SUPREME COURT OF THE UNITED STATES

No. 244.

THE SCHOONER SEA LION AND CARGO, [illegible] MASTER AND CLAIMANT OF VESSEL, AND [illegible] CLAIMANT OF CARGO, AND BROTT, DAVIS & [illegible] CLAIMANTS OF VESSEL AND CARGO, APPELLANTS,

vs.

THE UNITED STATES.

GOVERNMENT PRINTING OFFICE.

SUPREME COURT OF THE UNITED STATES.

No. 246.

THE SCHOONER SEA LION AND CARGO, FRANCIS NETTO, MASTER AND CLAIMANT OF VESSEL, AND NELSON YOCUM, CLAIMANT OF CARGO, AND BROTT, DAVIS & SHONS, CLAIMANTS OF VESSEL AND CARGO, APPELLANTS,

vs.

THE UNITED STATES.

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1 UNITED STATES OF AMERICA:

District court of the United States, southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO, FRANCISCO NETTO, master and claimant of vessel, and Nelson Yocum, claimant of cargo, and Brott, Davis, and Shons, claimants of vessel and cargo. } No. 174. Prize.

Be it remembered, that on the third day of June, in the year of our Lord one thousand eight hundred and sixty , Thomas J. Boynton, esq., attorney of the United States for the southern district of Florida, filed in the office of the clerk of said court his libel of information, against the ship or vessel called the Sea Lion, her tackle, apparel and furniture, and her cargo, in a cause of prize, in the words and figures following, to wit:

District court of the United States, southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO. } Prize.

To the Honorable William Marvin, judge of said court:

The libel of Thomas J. Boynton, attorney of the United States for the southern district of Florida, who libels for the United States, and for all parties in interest, against the ship or vessel called the Sea Lion, her tackle, apparel, furniture, and cargo, in a cause of prize, alleges that, pursuant to instructions for that purpose from the President of the United States, Samuel R. Franklin, of the United States navy, in and with the United States commissioned ship-of-war, the Aroonstook, her officers and crew, did on the ninth day of May, in the year of our Lord one thousand eight hundred and sixty-three, subdue, seize, and capture on the high seas, as prize of war, the said ship or vessel called the Sea Lion, of about the burthen of tons, with a valuable cargo on board of the same, and that said vessel and cargo have been brought into the port and harbor of Key West, in the State of Florida, where the same now are, within the jurisdiction of this honorable court, and that the same are lawful prize of war, and subject to condemnation and forfeiture as such.

2

Wherefore the said attorney prays that the usual process of attachment in prize causes may issue against said vessel, her tackle, apparel, furniture, and cargo; that monition may issue citing all parties having or claiming any interest or property in said vessel or cargo, to appear and claim the same; that the nature, amount, and value may be determined; that due and proper proofs may be taken and heard; and that on all due proceedings being had, the said vessel, the Sea Lion, together with her tackle, apparel, furniture, and cargo, may, on the final hearing of this cause, by the definitive sentence of this court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

(Signed) THOMAS J. BOYNTON,
U. S. Att'y, S. D. of Florida.

3 Whereupon the following order was made and entered in this cause, to wit:

AT CHAMBERS, *June 3d*, 1864.

Let monition and attachment issue, returnable June 9th, 1863.

(S'd) WM. MARVIN, *Judge*.

Whereupon attachment was issued to the marshal of said district, commanding him forthwith to attach, seize, and take into his custody the said ship or vessel called the Sea Lion, her tackle, apparel, furniture, and the goods, wares, and merchandise comprising the cargo of said vessel, in the port of Key West, or wheresoever the same may be found within his precincts; and the same to keep until the further order of this court.

Which attachment was afterwards by him returned duly executed, and, with the return thereon endorsed, is on file in the clerk's office.

Also monition was issued to the said marshal, commanding him forthwith to cite and admonish all persons whomsoever, having or pretending to have any right, title, claim, or interest in or to the said vessel, the Sea Lion, her tackle, apparel, furniture, or cargo, to appear at an admiralty session of said court, to be held at the court-rooms of said court, at Key West, in said district, on Tuesday, the ninth day of June, A. D. 186 , at ten o'clock in the forenoon of that day, to show cause, if any they have, why condemnation and forfeiture should not be decreed according to the prayer of said libellant.

Which motion was afterwards by him returned duly executed, and, with the return thereon endorsed is on file in the clerk's office.

5 District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO. } Prize.

Papers returned as found on board the said vessel, the Sea Lion, and read in evidence on the hearing of this cause.

Confederate States of America

No. 25.—Permanent register of vessels.—No. 25.

In pursuance of existing laws and an act of the Congress of the Confederate States of America, entitled "An act to provide for the registration of vessels owned in whole or in part by the citizens of the Confederate States." M. D. Eslava, of Mobile, Alabama, having taken or subscribed the oath required by law, and having sworn that N. Yocum and J. Hotenstein, trading under the name of J. Hotenstein & Co., of Mobile, are the only owners of the ship or vessel called the Sea Lion, of Mobile, whereof F'co Netto is at present master, and is a citizen of the Confederate States, and that the said ship or vessel was built at Bayou Batre, State of Alabama, in the year 1858, as per certificate of master builder and acting surveyor's certificate.

And said acting surveyor having certified that the said ship or vessel has one deck and two masts, and that her length is seventy-six feet, her
6 breadth twenty-three feet 6-12, her depth three 9-12 feet, and that she measures eighty-nine 49 95 tons; that she is a schooner, has square stern, centre board, and plain head; and the said M. D. Eslava, having agreed to the description and admeasurement above specified, and sufficient security having been given according to law, the said schooner has been duly registered at the port of Mobile.

Given under my hand and seal at the port of Mobile, this 8th day of May, one thousand eight hundred and sixty-three.

[SEAL.] R. TYLER, *Register.*
J. C. COLSSON, *Dep't'y Coll'r.*

Shipping articles.

No ardent spirits allowed on board.

CONFEDERATE STATES OF AMERICA:

It is agreed between the master and seamen or mariners of the schooner Sea Lion, of Mobile, whereof Francisco Netto is at present master, or whoever shall go for master, now bound from the port of Havana, in Cuba, that in consideration of the monthly or other wages against each respective seaman or mariner's name hereunder set, they severally shall and will perform the above-mentioned voyage; and the said master doth hereby agree with or hire the said seamen and mariners for the said voyage, at such monthly wages or prices, to be paid pursuant to this agreement, and the laws of the Congress of the United States. And they, the said seamen, or mariners, do severally hereby promise and oblige themselves to do their duty, and
7 obey the lawful commands of their officers on board the said vessel or the boats thereunto belonging, as become good and faithful seamen or mariners, and at all places where the said vessel shall put in or anchor at during the said voyage, to do their best endeavors for the preservation of the said vessel and cargo, and not to neglect or refuse doing their duty by day or night, nor shall go out of the said vessel on board any other vessel, or be on shore under any pretence whatsoever, until the above said voyage be ended, and the said vessel be discharged of her loading, without leave first obtained of the captain or commanding officer on board; and in default thereof, he or they shall be liable to all the penalties and forfeitures mentioned in the marine law, enacted for the government and regulation of seamen in the merchant's service, in which it is enacted "that if any seaman or mariner shall absent himself from on board the ship or vessel, without leave of the master or officer commanding on board, and the mate or other officer having charge of the log-book shall make an entry therein of the name of such seaman or mariner on the day which he shall so absent himself; and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall so absent himself for more than forty-eight hours at one time he shall forfeit all the wages due him, and all his goods and chattels which were on board the said ship or vessel, or in any store where
8 they may have been lodged at the time of his desertion, to the use of the owner or owners of the said ship or vessel, and, moreover, shall be liable to pay him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place." And it is further agreed that in case of desertion, death, or impressment, the wages are to cease. And it is further agreed by both parties that each and every lawful command which the said master or other officer shall think necessary hereafter to issue for the effectual government of the said vessel, suppressing immorality and vice of all kinds, to be strictly complied with, under the penalty of the person or persons disobeying forfeiting his or their whole wages or hire, together with everything belonging to him or them on board said vessel. And it is further agreed on that no officer or seaman belonging to the said vessel shall demand or be entitled to his wages or any part thereof, until the arrival of the said vessel at the last above-mentioned port of discharge, and her cargo delivered. And it is hereby further agreed between the master, officers, and seamen of the said vessel, that whatever apparel, furniture, and stores each of them may receive into their charge belonging to the said vessel shall be accounted for on her return; and in case anything shall be lost or damaged through their carelessness or insuf-

ficiency, it shall be made good, by such officer or seaman by whose means it may happen, to the master and owners of the said vessel.

And whereas it is customary for the officers and seamen while the vessel is in port, or whilst the cargo is delivering, to go on shore at night
9 to sleep, greatly to the prejudice of such vessel and freighters, be it further agreed by the said parties that neither officer or seaman shall, on any pretence whatever, be entitled to such indulgence, but shall do their duty by day in discharging of the cargo, and keep such watch by night as the master shall think necessary to order relative to said vessel or cargo.

And whereas it frequently happens that the owner or captain incurs expenses while in a foreign port, relative to the imprisonment of one or more of his officers or crew, or in the attendance of nurses, or in the payment of board on shore, for the benefit of such person or persons: Now it is understood and agreed by the parties hereunto that all such expenditures as may be incurred by reason of the foregoing premises shall be charged to and deducted out of the wages of any officer or such one of the crew by whose means or for whose benefit the same shall have been paid.

And whereas it often happens that part of the cargo is embezzled after being safely delivered into lighters, and as such losses are made good by the owners of the vessel, be it therefore agreed, by these presents, that whatever officer or seaman the masters shall think proper to appoint shall take charge of her cargo in the lighters, and go with it to the lawful quay, and there deliver his charge to the vessel's husband, or his representative, to see the same safely landed. That each seaman or mariner who shall well and truly perform the above-mentioned voyage (provided always that there be no desertion, plunderage, embezzlement, or other unlawful acts committed on the said vessel's cargo or stores) shall be entitled to the payment of the wages or hire that may become due to him, pursuant to this agree-
10 ment, as to their names is severally affixed and set forth: Provided, neverthless, that if any of the said crew disobey the orders of the said master or other officer of the said vessel, or absent himself at any time without liberty, his wages due at the time of such disobedience or absence shall be forfeited; and in case such person or persons so forfeiting wages shall be reinstated or permitted to do further duty, it shall not do away such forfeiture. It being understood and agreed, by the said parties, that parol proof of the misconduct, absence, or desertion of any officer, or any of the crew of said vessel, may be given in evidence at any trial between the parties to this contract, any act, law, or usage to the contrary thereof, notwithstanding. That for the due performance of each and every of the above-mentioned articles and agreements, and acknowledgment of their being voluntary, and without compulsion, or any other clandestine means being used, agreed to, and signed by us.

In testimony whereof, we have, each and every of us, hereunto affixed our hands, the month and day against our names, as hereunder written. And it is hereby understood and mutually agreed by and between the parties aforesaid that they will render themselves on board the said vessel on or before the day of , at o'clock in the noon.

We, who have subscribed our names in this column, do promise
11 that the man who has engaged for this present voyage, and signed his name in the third column of the same line, shall proceed on the said voyage, agreeably to the shipping papers, or refund the advance money with like amount, according to act of Congress, to on demand.

Date of entry.	Names.	Place of residence.	Stations.	Witness to signing	Compensation.
May 7	Jose de Vengatilla	Mobile	Mate	Th. Henry	* $175
	Francis Guni	do	Cook	do	150
	Antonio Bisk	do	Seaman	do	150
	John O'Connell	do	do	do	150
	Bisent Bonnet	do	do	do	150
	Bisent Poujol	do	do	do	† 150
	Diego Palliser	do	do	do	150
	Francisco Netto	do	Captain	do	‡ 1 200

* Of which he rec'd thirty dollars advance.
† Of which he rec'd twenty-five dollars advance.
‡ To be paid, viz: three hundred and fifty dollars in Mobile; three hundred and fifty dollars in Havana, and the balance, five hundred dollars, on return of vessel to Mobile.

CUSTOM-HOUSE, *Mobile*, 8 *May*, 1863.

I hereby certify that the foregoing articles of agreement on file in this office.

In witness whereof, I have hereunto set my hand and seal of office.

[SEAL] (S'd) J. C. COLSSON, *Dep't. Coll'r.*

12 *List of persons composing the crew of the schooner Sea Lion, of Mobile, whereof is master Francisco Netto, bound for Havana, in Cuba.*

Names.	Place of birth.	Place of residence.	Of what country citizens or subjects.	Description of their persons.			
				Aged.	Height.	Complexion.	Hair.
Francisco Netto, master	Spain	Mobile	Confederate States	26	5 5	Light	Light.
Jose de Vengutilla, mate	....do	....do	Spain	26	5 5	Dark	Dark.
Francis Guni, cook	....do	....do	....do	22	6 0	....do	Do.
Antonio Bish, seaman	....do	....do	....do	27	5 5	....do	Do.
John O'Connell, do	Sheffield	....do	England	30	5 8	Light	Light.
Bisint Bonet, do	Spain	....do	Spain	22	5 5	Dark	Dark.
Bisint Poujol, do	....do	....do	....do	18	5 6	....do	Do.
Diego Palliser, do	....do	....do	....do	31	5 5	....do	Do.

OFFICE PROVOST MARSHAL, *Mobile, May 8th*, 1863.

I do hereby certify that the above-named Francisco Netto, and the seven persons comprising the crew of the schooner Sea Lion, having complied with all the requirements of the military authorities of this department, the above-named schooner and crew (eight men in all) have permission to enter upon a voyage to Havana, Cuba.

(S'd) G. M. PARKER, *Provost Marshal.*

(S'd) FRANK BUCHANAN, *Admiral, &c.*

May 8th, '63.

I, F'co Netto, do solemnly, sincerely, and truly swear that the within list contains the names of the crew of the sch'r Sea Lion, together with the places of their birth and residence, as far as I can ascertain the same, this 8th day of May, 1863.

13 (S'd) FRANCISCO NETTO.

Before me. J. C. COLSSON, *Dep'y Coll'r.*

I do certify that the within is a true copy of the list of the crew of the sch'r Sea Lion, of Mobile, whereof F'co Netto is master, taken from the original on file in this office.

Given under my hand and seal of office, at the custom-house, this 8th day of May, in the year of our Lord one thousand eight hundred and sixty-three.

I do hereby further certify that the within named persons who compose the company of the above-mentioned shooner, whereof Netto is at present master, have produced to me proof in the manner directed in the act entitled "An act for the relief and protection of American seamen," and pursuant to the said act, and to the act supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen.

I do hereby certify that the said persons are citizens of the .

Given under my hand and seal of office this 8th day of May, 1863.

DISTRICT OF MOBILE.

To all the faithful in Christ to whom these presents may come:

Whereas it is pious and just to bear witness of the truth, lest error
14 and deceit overthrow it.

And whereas the schooner Sea Lion, of which F'co Netto under God, is master, and now ready to depart from the port of Mobile, and if God please, to sail for Havana, Cuba, and other places beyond sea, with ten persons, including the master of the said schooner:

We, therefore, to you all, by the tenor of these presents, do make known that (praise to God, the Most High and Good) no plague or any dangerous or contagious disease at present exists in said port.

Given under my hand and seal of office this 8th day of May, 1863, and in the third year of the independence of the Confederate States.

(S'd) J. C. COLSSON, *Dep'ty Collector.*

El infrascrito consul de S. M. Catolica en esta plaza y sus dependencias, &c., &c., certifico que la firma que aparece al pie de la patente de sanidad de la vuelta es de J. C. Colsson, sub-administrador de esta aduana, siendo la misma que usa en todos sus escritos y a la cual seda entera fey credito tanto en juicio como fuera de el. Tambien certifico que el cargamento de algodon que lleva este buque es producto del pais, y que su tripulacion se compone de diez individuos, inclusos dos pasayero. Asimismo certifico que este puerto se precave de otro cual quiera punto que pueda estar infestado. Y finalmente certifico que esta ciudad y sus contornus se hallan libres de
15 toda enfermedad contagiosa.

Y para que conste doy la presente firmada y sellada con el de este consulado en Mobila, a 8 de Mayo, de 1863.

El consul de S. M. C.

[SEAL] (S'd) ALONSO PERES.

Translation of above.

The undersigned, consul of her Catholic Majesty of this port and its dependents, &c., &c., certifies that the signature which appears at the foot of the annexed bill of health is that of J. C. Colsson, deputy collector of customs at this port, and to whose acts full faith and entire credit ought to be given in a court of law or otherwise.

I further certify that the cargo of cotton which this ship carries is the production of this country, and that her crew is composed of ten persons, including two passengers.

I further certify that this port is guarded against the introduction of disease. And finally I certify that this city and its environs are free from all contagious diseases.

In testimony whereof, I give the present, signed and sealed with the seal of this consulate, in Mobile, 8th of May, 1863.

The consul of her Catholic Majesty.

(S'd) ALONSO PERES.

17 *Report and manifest of the cargo, laden at the port of Mobile, on board the schooner Sea Lion, Francisco Netto, master, bound for Havana, in Cuba.*

Marks.	Numbers.	Packages or articles in bulk.	Value at the port of exportation.		
			Value of domestic produce or merchandise.	Value of foreign produce or merchandise.	Total am't.
C. O. T.	1 to 10....	10 bales of cotton, w'g.. 5,944			
F O.....	1 to 57....	57.....do.....do..... 33,274			
R S	1 to 69....	69.....do.....do..... 40,286			
E A.....	1 to 51....	51.. ...do.... do..... 29,218			
L E.....	1 to 37....	37..... do.....do..... 21,708			
O N.....	1 to 21....	21.....do.....do..... 11,952			
T O N.....	1 to 1.....	1.....do.....do..... 520			
H. B. Co...	1 to 2....	2..... do .....do..... 1,070			
H. C. Co....	1 to 4.....	4.....do.....do..... 2,434			
H. D. Co....	1 to 5.....	5 .....do.....do..... 2,610			
H. X. Co....	1 to 8.....	8..... do.....do..... 4,448			
H. Y. Co....	1 to 5.....	5.....do.....do..... 2,538			
		270 bales do..... do.....156,002	$28,080 26	....	$28,080 26

DISTRICT OF MOBILE.

I, Francisco Netto, master and commander of the schooner Sea Lion, bound from the port of Mobile to Havana, in Cuba, do solemnly, sincerely, and truly swear that the manifest of the cargo on board the said schooner Sea Lion, now delivered by me to the collector of the district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, ware, and merchandize now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden on board the said schooner Sea Lion previous to her sailing I will immediately report the same to the said collector. I do also swear that I verily believe the duties on all foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be relanded within the Confederate States of America, and that if by distress or other unavoidable accident it should become necessary to reland the same I will forthwith make a just and true report thereof to the collector of the customs of the district within such distress or accident may happen. And I further swear that the merchandise is intended to be exported to Havana, in Cuba. So help me God.

(S'd) FRANCISCO NETTO.

Sworn this 8th day of May, 1863, before me.

J. C. COLSSON, *Dept'y Collector.*

18 El infrascrito, V. consul de Espana en Mobile, certifico que los efectos con tados en el anterior manifiesto son los mismos que consta en este consulado haberse embarcado en la goleta Sea Lyon, Capitan Netto, para la Habana.

Mobila, Mayo 8, 1863.

[SEAL.] (S'd) ALONSO PERES.

Translation of above.

The undersigned, vice-consul of Spain in Mobile, certifies that the goods contained in the within manifest are the same which have been cleared from the consulate and shipped in the schooner Sea Lion, Captain Netto, for the Havana.

Mobile, May 8th, 1863.

[SEAL.] ALONZO PERES.

19 These are to certify all whom it doth concern, that F'co Netto, master or commander of the sch'r Sea Lion, burthen 89 49-95 tons or thereabouts, mounted with guns, navigated with eight men, and bound for Havana, Cuba, on board cotton, hath entered and cleared his vessel according to law.

Given under our hands, at the custom-house of Mobile, this 8th day of May, one thousand eight hundred and sixty-three, and in the third year of the independence of the Confederate States.

[SEAL.] (S'd) J. C. COLSSON, *Dep'y Collector.*

General clearance.

CUSTOM-HOUSE, NEW ORLEANS,
Collector's Office, February 16th, 1863.

The U. S. military and other authorities at New Orleans permit cotton to be received here from beyond the U. S. military lines, and such cotton is exempt from seizure or confiscation. An order is in my hands from Major Gen. Banks approving and directing this policy. The only condition imposed is that cotton or other produce must not be bought with specie.

All cotton or other produce brought hither from the Confederate
20 lines by Brott, Davis & Shon will not be interfered with in any manner, and they can ship it direct to any foreign or domestic port.

(S'd) GEORGE S. DENISON,
Special Agent of the Treasury Dep't and Acting Collector of Customs.

App'd.
(S'd) D. G. FARRAGUT, *Rear Admiral.*

MAY 10TH, 1863.

F. Brott, Esq., of the firm of Brott, Davis & Shons, New Orleans, La.:

DEAR SIR: By the present I beg to introduce to your acquaintance Mr. N. Yocum, who visits your city on business. I recommend Mr. Y. to your best attentions, and trust that you will assist him in his purposes, which he will explain to you verbally. Mr. Yocum is the senior of the firm of J. Hotenstein & Co., your agents for cotton shipments.

Trusting that lively business transactions between your respective firms may be the result of your meeting with Mr. Yocum, I remain truly yours,

(S'd) OLIVER & W.

21 MAY 10TH, 1863.

Mason Pilcher, Esq., president of Bank of New Orleans:

DEAR SIR: By the present I beg to introduce to your acquaintance Mr. N. Yocum, who visits your city on business. I recommend Mr. Y. to your best

attention, and trust that you will please to assist him in his purposes, which he will explain to you verbally.

Without any further communications to make to-day, I remain respectfully yours,

(S'd) OLIVER & W.

MAY 10TH, 1863.

Mason Pilcher, Esq.:

DEAR SIR: The present will be handed to you by Mr. N. Yocum, who takes out some cotton. I would write to you more fully on this subject, but deem it advisable to let Mr. Yocum explain this transaction to you.

He intends purchasing a steamer. If the one you had at Havana is still unsold, Mr. Y. may buy her, if you can recommend her as thoroughly seaworthy and in every respect in good order. I mentioned to him your price, $40,000 at New Orleans.

Your friend D. is at Atalanta. It was absolutely impossible for us
22 to obtain any vessel here. Furthermore, heavy bonds were required to obtain permission to take out cargo, and he deemed it advisable to invest in some favorable enterprise in Georgia temporarily until we could find some opportunity to do so here. He is well and sends his best regards.

Please show your best attentions to Mr. Yocum, and assist him as much as you possibly can. He is under heavy bonds to take his shipment to Havana. You will therefore please to have it immediately released and cleared for that port.

Please hand the enclosure to address, with my best compliments.

You can rely implicitly on Mr. Yocum in all he says. It will be done faithfully.

Truly yours, R. W.

OFFICE OF BROTT, DAVIS & SHONS, SHIPPING AND COMMISSION MERCHANTS,
Corner New Levee and Gravier streets, New Orleans, 9th March, 1863.

Mr. Robert Werne:

SIR: All cotton and other produce shipped from within the Confederate lines to our address by yourself as our agent will be protected by us under authority from the military and naval authority of this place, dated Feb'y 16th, 1863, permitting us to receive such cargoes and to re-ship them
23 to foreign ports. The original permit alluded to we herewith enclose to you.

(S'd) BROTT, DAVIS & SHONS.

I hereby transfer above agency to Messrs. J. Honhenstein & Co., of Mobile, Ala.

(S'd) R. WERNE.

MAY 10TH, 1863.

Major Foy, commanding forces on Lake Pontchartrain:

DEAR SIR: The bearer is my friend Mr. Yocum, whom I recommend to your best attention and protection. I have written to our friends on New Levee st.

Yours truly,

OLIVER & W.

Memorandums, &c.

No. 1.

EDWARDS DEPOT, *Mar.* 28, 1863.

Mr. N. Yocum:

DEAR SIR: Enclosed please find ac't of the cattle purchased and delivery to date:

Feb'y 24 to March 3. 49 head, av'g cost, $58 per head, (these cattle bo't in small lots and delivered with other cattle)	$2, 842	00
March 7th. 20 head delivered to Jackson at 3 35; av'g, 57 50.	1, 150	00
1. 8 ditto Maj. Anderson, 300; av'g cost, 15 cts. lb	360	00
25. 25 head transferred to Jackson, 355 lbs., cost	2, 012	00
15 ditto, ditto, 350 lbs., at 17 cts	892	50
Carried forward	8, 005	30
24 22. 101 head delivered Jackson Snyders and B. Black, 61 50 head	6, 211	50
231 head, total cost	14, 216	80
13 head of cattle, weigh'g 5,122 lbs	780	00

THOS. F. KERR.

No. 2.

3 card-making machines for making machine clothing and hand cards. Also 1,000 lbs. of card wire from wool No. 8 to *to* No. 10 cotton card, sizes inclusive. Also 1 jeweled draw plate and 1 p'r card nippers for drawing cards on boards. All of the best quality.

(S'd) J. T. BARBER.

Card clothing for 12 cotton machines, requiring about 40 pieces each. Also 200 lbs. wire, (iron,) No. 15. Also 1 large package tacks, 12 oz.

(S'd) E. D. CRANDALL.

No. 3.

9,867 beef hides, del'd to Cap. Hillyed, A. Q. M.; average, 34 lbs., 325,478 lbs., at 30s	$100, 643	40
74 sheep skins, at 2 50	185	00
	100, 828	40

No. 4.

$12,000, gave Hohenstein to pay bills of E. Morse and Sea Lion.

154,943 52, 66, 25, 12,000=167,034 52, paid for 2 vessels and cargo of E. Morse and Sea Lion.

50,000, 600, 4,500, 51,000, 32, 5,800, 1,000 2,615, 2,428 04=149,943 04, 91=150,034 04.

25

No. 5.

MOBILE, ALA., *May 8th*, 1863.

N. Yocum has credit on the books of J. Hohenstein & Co., one hundred and fifty thousand and thirty-four dollars and 4-100, and seventeen thousand dollars subject to settlement between J. Hohenstein and N. Yocum.

(S'd) J. HOHENSTEIN & CO.

No. 6.

MOBILE, *May* 4, 1863.

Schooner Sevine:

1 sein $5 00

Paid.

(S'd) ELSWORTH, RUSSELL & CO.
P'r SUMERSETT.

No. 7.

MOBILE, ALA., *May* 4, 1863.

Bought of M. Nichols:

7 cups	$3 50
8 tin plates	6 00
1 small pan	5 00
1 coffee-pot	4 00
	18 50

Receive pay.

(S'd) M. NICHOLS.

No. 8.

Schooner Sevine to W. S. DeVan & Co.:

2 buckets, 4½ $9 00

Mobile, May 4, '63.

W. S. DEVAN & CO.,
P'r J. S. WHITE.

26 No. 9.

Money drawn by Tom. Kerr:

Drawn by self	$10,000
Ditto	20,000
Drawn by Scruggs	5,000
Drawn from Strickland	2,500
Drawn for 25 hides, White	2,500
14 head cattle, Schooff	490
Money drawn by T. F. Kerr	40,490

Jackson, April 15th, 1863.

27 District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO. } Prize.

Depositions taken in preparatorio.

Deposition of Nelson Yocum before George D. Allen, prize commissioner, at Key West, 29th May, 1863.

1st interrogate. To the first interrogatory deponent answers that his name is Nelson Yocum; born in the State of Pennsylvania. He has lived in the States of Illinois and Tennessee the last seven years. He now lives at

Memphis, Tennessee; has lived there the last four years. He is married; wife and family live in Memphis. He considers himself a citizen of the United States, and owes allegiance to the government of the United States.

2nd interrogate. To the second interrogatory deponent answers that he was present at the time of capture of the schooner Sea Lion and cargo.

3rd interrogate. To the third interrogatory deponent answers that the Sea Lion was captured on the evening of the 9th of May inst., in Mobile Bay, about two or three miles from Fort Morgan. She had no commission or letters authorizing her to make prizes. The captors said she was a prize. She has been brought to Key West.

4th interrogatory. To the fourth interrogatory deponent answers
28 that the Sea Lion sailed under the Confederate colors; she had no other colors on board.

5th interrogate. To the fifth interrogatory deponent answers that there was no resistance made to the seizure. The United States steamer Aroostook fired four or five guns. Several other gunboats in sight at the time. The Sea Lion is a merchant vessel. The Aroostook is a vessel-of-war, and made the capture.

6th interrogate. To the sixth interrogatory deponent answers that the first port the Sea Lion would have entered, to the best of his belief, would have been New Orleans. He cannot tell where she would have gone after going to New Orleans.

7th interrogate. To the seventh interrogatory deponent answers that the name of the vessel captured is the Sea Lion. Francis Netto was master at the time of capture. To the best of his knowledge J. Honstien & Co., merchants at Mobile, appointed Captain Netto to the command at Mobile. He took command the present month of May at Mobile. He has known the vessel about one month, and Captain Netto about three weeks. He don't know the residence of Captain Netto. He has heard him say that he was a Spanish subject.

8th interrogate. To the eighth interrogatory deponent answers that the Sea Lion is about seventy-five tons burthen as near as he could judge. Nine, all told, himself included, belonged to the company of the vessel at the time of capture; all of whom were on board. All of the crew were Spanish as he believes. All joined the vessel at Mobile about the 6th of May.
29 He does not know who shipped or hired the crew. He don't know the terms of the shipping agreement.

9th interrogate. To the ninth interrogate deponent answers that he was supercargo of the Sea Lion at the time of her capture. He did not own any part, share, or interest in the vessel or cargo on board. He thinks the spirits terpentine on board belonged to the crew.

10th interrogate. To the tenth interrogatory deponent answers that he first saw the vessel called the Sea Lion about the first of the present month of May, at Mobile. She has no guns. Eleven men in all were on board, passengers included. She was an American-built vessel as he believes. He never knew of her having been called by any other name than the Sea Lion.

11th interrogate. To the eleventh interrogatory deponent answers that the Sea Lion drew five and a half feet and was fully laden when captured.

12th interrogate. To the twelfth interrogatory deponent answers that the Sea Lion had papers of some kind from the custom-house, Mobile, but he never saw them. He heard on board of the vessel, at the time she sailed from Mobile, that she had some papers from the Spanish consul. He don't know anything about the former voyages of the vessel, nor what cargoes she has carried. The voyage on which she was captured began at Mobile. She sailed from Mobile the 8th of May instant. She had not gone to any

other port before being taken. The voyage would have ended at New Orleans as he believes.

30 13th interrogate. To the thirteenth interrogatory deponent answers that the Sea Lion had two hundred and seventy-two bales of cotton (272) on board at the time she sailed from Mobile, and the same on board when she was taken, which was put on board about the beginning of the present month.

14th interrogate. To the fourteenth interrogatory deponent answers that Oliver & Vern and Brott, Davis & Shon, he believes, are the owners of the schooner Sea Lion. He only knows them to be owners by their own representations and their having control and management of her. Messrs. Oliver & Vern, he believes, are Danes by birth. They are doing business, he believes, at present at New Orleans. He don't know how long they have been there; he has only known them about one month. Messrs. Brott, Davis & Shon are merchants, doing business at New Orleans. He don't know what countrymen they are, nor how long they have been there. He has only known them about one month. He don't know how long the said owners have been in possession of her, nor of whom they purchased.

15th interrogate. To the fifteenth interrogatory deponent answers that he never saw any bill of sale or agreement for transfer of the vessel at any time.

16th interrogate. To the sixteenth interrogatory deponent answers that the cargo laden on board at the time of capture was put on board at Mobile the present month of May. Messrs. J. Honstein & Co., merchants at Mobile, shipped the cargo. He believes that J. Honstein is a German; they have been doing business at Mobile about one month, himself being associated.

31 He believes that Messrs. Oliver & Vern and Messrs. Brott, Davis & Shon, aforesaid owners of the vessel, own the cargo. He thinks the cargo is consigned to Messrs. J. Honstein & Co., but is not positive, as he did not examine the papers. His directions from Messrs. J. Honstein & Co. were to drop down to the fleet off Mobile, supposing that the officers of the fleet would assist them to get to the mouth of the Mississippi River. After arrival at the mouth of the Mississippi River he was to communicate with Messrs. Brott, Davis & Shon for orders for the delivery of the vessel and cargo. He believes from conversation had at Mobile with Mr. Vern, firm of Oliver & Vern, of New Orleans, that the cargo belonged to Messrs. Oliver & Vern and Brott, Davis & Shon aforesaid, and if restored and delivered at the destined port, it would still belong to them and none others, to his knowledge. The cargo consists of 272 bales cotton.

17th interrogate. To the seventeenth interrogatory deponent answers that he don't know how many bills of lading were signed for the cargo, nor anything about them, nor rate of freight.

18th interrogate. To the eighteenth interrogatory deponent answers that he don't know anything about the papers that were on board at the time of capture. He had no papers showing the interest of any persons in the vessel or her cargo to his recollection at any time on board. The last time he saw the papers of the vessel the captain took them into Fort Morgan. He believes they were afterwards taken on board of the vessel and delivered to the captors after the capture. He don't know what has since become of them.

32 19th interrogate. To the nineteenth interrogatory deponent answers that he don't know the lat. or long. of the vessel at the time of capture. She was in Mobile Bay about two to three miles southerly from Fort Morgan, on the evening of the 9th of May about ten o'clock. He did not know of any charter-party or other agreement for use of the vessel on the voyage.

20th interrogate. To the twentieth interrogatory deponent answers that the captain had the vessel's papers on board when she left Mobile. He had a permit or some paper from Admiral Farragut for Brott, Davis & Shon to transport cotton, or something to that effect, and one or two letters of introduction to Messrs. Brott, Davis & Shon and Mr. Pilcher, at New Orleans, and some small papers. He don't know what papers or letters were in the hands of the passengers on board. No papers or letters of any kind burnt, torn, destroyed, thrown overboard, or concealed on board, to his knowledge.

21st interrogate. To the twenty-first interrogatory deponent answers that he knew that the port of Mobile and the principle southern ports were under blockade by the naval forces of the United States. He had known of the blockade by common report the last year and a half.

22nd interrogate. To the twenty-second interrogatory deponent answers that he knew of the proclamation of blockade by the President of the United States of the southern ports. No notice in writing had been received by himself of any blockade, or given the master or owner, or written on
33 the vessel's papers to his knowledge. He did not hear anything said about using the said vessel to run or violate any blockade.

23d interrogate. To the twenty-third interrogatory deponent answers that the register of the vessel had not been examined by any officer of the United States before the capture to his knowledge.

24th interrogate. To the twenty-fourth interrogatory deponent answers that the vessel had not attempted to sail from any port since he knew her till the night of her capture.

25th interrogate. To the twenty-fifth interrogatory deponent answers that the Sea Lion has never been before seized as prize to his knowledge.

26th interrogate. To the twenty-sixth interrogatory deponent answers that he does not expect to lose anything by the capture and detention. He was to receive five hundred dollars for the trip, which he expects will be paid him by Brott, Davis & Shon, at New Orleans. No indemnity or satisfaction has been made him for any loss he might sustain by capture and detention.

27th interrogate. To the twenty-seventh interrogatory deponent answers that he don't know whether the vessel or cargo are insured or not.

28th interrogate. To the twenty-eighth interrogatory deponent answers that if the vessel had arrived at the destined port that the cargo would have been at the risk of Messrs. Oliver & Vern and Brott, Davis &
34 Shon for a market, to the best of his knowledge.

29th interrogate. To the twenty-ninth interrogatory deponent answers that he believes the cargo was grown in the State of Alabama.

30th interrogate. To the thirtieth interrogatory deponent answers that the cargo was taken on board at a wharf, at Mobile, in May, the present month.

31st interrogate. To the thirty-first interrogatory deponent answers that he has no knowledge of any papers relating to the vessel or her cargo, except those which were on board the vessel at the time of capture. She was cleared from the custom-house, Mobile, and permit from the military authorities there to proceed on the voyage, as he understood, to Havana.

32d interrogate. To the thirty-second interrogatory deponent answers that he delivered a permit for Messrs. Brott, Davis & Shon, of New Orleans, from Admiral Farragut and letters of introduction to Brott, Davis & Shon, and Mr. Pilcher, New Orleans, and some other small papers to the commanding officer of the Aroostook, the same evening of the capture. He believes the papers of the vessel were taken by the boarding officer from the Aroostook. He believes the same are now in custody of the court.

33rd interrogate. To the thirty-third interrogatory deponent answers that no cargo was taken from the vessel after she sailed from Mobile till she arrived at Key West.

35 34th interrogate. To the thirty-fourth interrogatory deponent answers that Mr. Hubbell and Mr. Goodwin were passengers on board the Sea Lion at the time of capture. Mr. Hubbell is a resident of the State of Michigan; he don't know his profession or occupation. Mr. Goodwin is a resident, as he himself stated, of Cincinnati, Ohio; has been a banker there. Both came on board at Mobile to go to New Orleans; he don't know upon what business. Neither of them had any interest in the vessel or cargo or control over the same to his knowledge. No one secreted on board. He don't know the residence of the master or any of the crew.

35th interrogate. To the thirty-fifth interrogatory deponent answers that he don't know whether the papers found on board were entirely true and fair or not. He was not present at the time the register of the vessel was obtained at Mobile. He don't know who procured the register or other papers of the vessel. He don't know whether any one made oath to obtain any of the papers, nor whether any fees were paid for the same or not. He did not see any of the vessel's papers. He don't know whether any one had any passport on board or not. He has no knowledge of any other papers relating to the vessel or cargo than those on board at the time of capture. He has no recollection of having written any letters or papers, or signed any relating to the vessel or cargo.

36 36th interrogate. To the thirty-sixth interrogatory deponent answers that he first saw the Aroostook about ten o'clock on the evening of the capture. The Sea Lion was about two miles and a half or three miles from Fort Morgan to the southerly. She was dropping down with the tide; she did not change the course till she was taken; she cleared from Mobile the day before and passed Fort Morgan that night. They saw the blockading vessels before being fired at by the Aroostook.

37th interrogate. To the thirty-seventh interrogatory deponent answers that he heard Mr. Vern, one of the said owners, speak of having the said vessel transferred to J. Honstein & Co., at Mobile, a few days before she sailed from Mobile. He don't know anything about any sale of the vessel at any time. If restored, the said vessel would belong to Messrs. Oliver & Vern and Brott, Davis & Shon, as before stated.

38th interrogate. To the thirty-eighth interrogatory deponent answers that the only arms or munitions of war of any kind on board were the pistols belonging to himself and the captain, one each.

39th interrogate. To the thirty-ninth interrogatory deponent answers that to the best of his knowledge and belief the vessel and cargo are owned by Messrs. Oliver & Vern and Brott, Davis & Shon, as before stated. The real and true destination was the mouth of the Mississippi River.

40th interrogate. To the fortieth interrogatory deponent answers that the Sea Lion had no convoy. He had no instructions in relation to cap-
37 ture or the papers on board.

41st interrogate. To the forty-first interrogatory deponent answers that said vessel came out from the port of Mobile, which was blockaded by United States naval vessels, on the evening of the 9th of May instant.

42d interrogate. To the forty-second interrogatory deponent answers that the Sea Lion has not had any commission or letters authorizing her to make prizes since he has known her.

43d interrogate. To the forty-third interrogatory deponent answers that she has not acted in company or concert with any armed vessel to his knowledge.

(S'd) N. YOCUM.

Sworn and subscribed before me this 29th day of May, 1863.

(S'd) GEORGE DALLEN, *Prize Commissioner.*

Deposition of Francisco Netto, master, before George D. Allen, prize commissioner, at Key West, 29th May, 1863.

1st interrogate. To the first interrogatory deponent answers that his name is Francisco Netto, born in the island of Mahon. He has lived in Mobile the last four years; he sailed in Spanish vessels about six years before he went to Mobile to reside; he is a subject of the queen of
38 Spain, and owes allegiance to the Spanish government; he has never been naturalized as a citizen of the United States; he is not a married man.

2d interrogate. To the second interrogatory deponent answers that he was on board the schooner Sea Lion at the time of capture.

3d interrogate. To the third interrogatory deponent answers that she was taken about five miles southeast from Fort Morgan, on the night of the 9th of May. She has been brought to Key West. The Sea Lion had no commission authorizing her to make prizes. He believes she was taken for running the blockade.

4th interrogate. To the fourth interrogatory deponent answers that the Sea Lion sailed under the Confederate flag.

5th interrogate. To the fifth interrogatory deponent answers that no resistance was made to the capture. The Aroostook fired four guns. The United States steamer Aroostook made the capture. He did not see any other vessels at the time. The Sea Lion is a merchant schooner.

6th interrogate. To the sixth interrogatory deponent answers that when the vessel was cleared from the custom-house, at Mobile, he expected to go to Havana. After passing Fort Morgan the supercargo, Mr. Yocum, said they would go to the mouth of the Mississippi River to go to New Orleans. He should have taken her wherever the supercargo said.

39 7th interrogate. To the seventh interrogatory deponent answers that the name of the vessel captured is the Sea Lion; himself was master at the time of capture Mr. Yocum, the supercargo, engaged him to take command of her at Mobile, about the 25th of April, and delivered the vessel to him about that time.

8th interrogate. To the eighth interrogatory deponent answers that the Sea Lion is about 90 tons burthen. Nine men belonged to her, himself and the supercargo included. The crew were all Spanish except one, who was English. All were shipped by himself in Mobile for a voyage to Havana and back, for one hundred and fifty dollars each the round trip. Twenty-five dollars advance at Mobile; seventy-five dollars at Havana; fifty dollars on her return to Mobile.

9th interrogate. To the ninth interrogatory deponent answers that he was master of the vessel at the time of her capture. He did not own any part, share, or interest in the vessel or cargo. Seven barrels of spirits terpentine on board belonged to himself and crew, which was put on board by himself.

10th interrogate To the tenth interrogatory deponent answers that he has known the schooner Sea Lion about three years and a half. She has no guns. She was built in Alabama. She had eleven men in all, passengers included, on board. Her name is the Sea Lion. She never had any other name to his knowledge. He first saw her in Mobile in 1859.

40 11th interrogate. To the eleventh interrogatory deponent answers that the Sea Lion draws about five feet when captured, and had a full cargo on board.

12th interrogate. To the twelfth interrogatory deponent answers that the Sea Lion had a register issued at the custom-house, Mobile, and papers from

the Spanish consul at Mobile, for the voyage to Havana. The vessel had never been out from Mobile since the war began. The voyage on which she was taken began at Mobile, and was to have ended at Mobile when she got back. She sailed from Mobile the 8th day of May, 1863.

13th interrogate. To the thirteenth interrogatory deponent answers that when the vessel sailed from Mobile she had about two hundred and eighty-two bales of cotton and seven barrels of spirits of terpentine, which was put on board the first of May, all of which was on board when she was taken.

14th interrogate. To the fourteenth interrogatory deponent answers that Messrs. Brott, Davis & Shon, of New Orleans, were stated to be the owners of the vessel by Mr. Yocum, the supercargo. He has no acquaintance with said Brott, Davis & Shon. He don't know how long the said owners have had the vessel, nor of whom she was purchased.

15th interrogate. To the fifteenth interrogatory deponent answers that he did not know of any bill of sale for the vessel being made at any time.

41 16th interrogate. To the sixteenth interrogatory deponent answers that the cargo was put on board at Mobile about the first of May. He cannot recollect the name of the shippers, but thinks Mr. J. Joldstein shipped the cotton. The cotton, he thinks, belonged to Brott, Davis & Shon, New Orleans. The cargo was to be delivered wherever the supercargo said. The supercargo told him that Brott, Davis & Shon owned the cargo. He don't know anything more about the ownership of the cargo.

17th interrogate. To the seventeenth interrogatory deponent answers that he never saw any bills of lading for the cargo. He don't know the rate of freight.

18th interrogate. To the eighteenth interrogatory deponent answers that he had the papers of the vessel on board at the time of capture. He got them from the custom-house, and the Spanish consul and Mr. M. D. Eslava the day he sailed from Mobile. He gave all the papers of the vessel to Mr. Hoyt, of the Aroostook, the morning after the capture. He believes Mr. Hoyt brought them to Key West and gave them to the prize commissioner.

19th interrogate. To the nineteenth interrogatory deponent answers that the Sea Lion was about four or five miles southeast of Fort Morgan, Mobile Bay, when captured, on Saturday night, the 9th of May, about twelve o'clock. He did not know of any charter for the vessel or any other agreement for the vessel.

20th interrogate. To the twentieth interrogatory deponent answers

42 that the papers of the vessel from the custom-house, Mobile, some papers from the Spanish consul at Mobile were on board. Mr. Yocum said he had papers from Admiral Farragut to go to New Orleans. He had two letters on board. No papers were burnt, torn, destroyed, or thrown overboard at any time on board the vessel to his knowledge.

21st interrogate. To the twenty-first interrogatory deponent answers that he knew that the port of Mobile was blockaded by United States vessels. He had seen the blockading vessels off that port.

22nd interrogate. To the twenty-second interrogatory deponent answers that he don't know anything about the orders of blockade by the President of the United States. Mr. Yocum said that the blockade would not make them prisoners, but would give them protection because they have sufficient papers on board.

23rd interrogate. To the twenty-third interrogatory deponent answers that the papers were not examined by any officer of the United States till after the capture.

24th interrogate. To the twenty-fourth interrogatory deponent answers that the Sea Lion has not attempted to enter or sail from Mobile before the time she was taken since the blockade.

25th interrogate. To the twenty-fifth interrogatory deponent answers that the Sea Lion has not been before seized as a prize.

43 26th interrogate. To the twenty-sixth interrogatory deponent answers that he will lose, if the articles should not be restored to him all of his instruments, clothes, and the share of the terpentine on board be longing to him. Before the capture Mr. Yocum said he would pay him all of his wages when they got to New Orleans. He has not been paid anything or promised anything since the capture.

27th interrogate. To the twenty-seventh interrogatory deponent answers that he don't know whether the vessel and cargo are insured or not.

28th interrogate. To the twenty-eighth interrogatory deponent answers that all he knows about the ownership of the cargo is that Mr. Yocum said the cargo belonged to Brott, Davis & Shon.

29th interrogate. To the twenty-ninth interrogatory deponent answers that the cargo was grown, he thinks, in Mississippi.

30th interrogate. To the thirtieth interrogatory deponent answers that the cargo was taken on board from a wharf at Mobile.

31st interrogate. To the thirty-first interrogatory deponent answers that he don't know of any papers relating to the vessel or cargo, except what were on board at the time of capture. The supercargo, Mr. Yocum, said he ha a paper to go to New Orleans from Admiral Farragut.

44 32d interrogate. To the thirty-second interrogatory deponent answers that he delivered all the papers he had on board at the time of capture to Mr. Hoyt, the prize master, the morning after the capture.

33rd interrogate. To the thirty-third interrogatory deponent answers that no cargo was taken from the vessel after coming out from Mobile till the vessel arrived at Key West.

34th interrogate. To the thirty-fourth interrogatoy deponent answers that there were two passengers on board. He don't know their names or business. They came on board at Mobile He did not know whether they wanted to go to New Orleans or Havana. They had nothing to do with the vessel or cargo to his knowledge. He don't know where either of the passengers live. He don't know where Mr. Yocum, the supercargo, lives. He first saw him in Mobile in April. All of the crew live in Mobile.

35th interrogate. To the thirty-fifth interrogatory deponent answers that he believes the papers found on board were all correct. Mr. M. D. Eslava gave him the register. He don't know who made oath to obtain it. The Spanish consul gave him papers for the voyage. He did not make oath to any of the papers. He paid the Spanish consul his fees for papers himself. He don't know who paid the fees at the custom-house. He had a protection from the Spanish consul at Mobile. All of the crew but one had

45 Spanish protections. One man had a protection from the British consul at Mobile. He has no knowledge of any papers relating to the vessel or cargo, except those that were on board at the time of capture. He has not written or signed any letters or papers that relate to the vessel or cargo, except the manifest at the custom-house, Mobile.

36th interrogate. To the thirty-sixth interrogatory deponent answers that he first saw the Aroostook about a half hour before the time of capture. The Sea Lion was then steering southeast. She came out past Fort Morgan about an hour and a half before. After seeing the Aroostook they headed the Sea Lion towards the Aroostook. He had not seen any other blockading vessels till they saw the Aroostook.

37th interrogate. To the thirty-seventh interrogatory deponent answers that he don't know who has ever bought or sold the Sea Lion.

38th interrogate. To the thirty-eighth interrogatory deponent answers that the supercargo and himself had each one pistol on board. No other arms on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers that he believes that Brott, Davis & Shon own the vessel and cargo. He believes she would have gone to New Orleans had she not been captured.

46 40th interrogate. To the fortieth interrogatory deponent answers that the Sea Lion had no convoy. The supercargo, Mr. Yocum, said that the blockading vessels would not take them prisoners because he had a pass to go to New Orleans from Admiral Farragut.

41st interrogate. To the forty-first interrogatory deponent answers that the Sea Lion came out from Mobile on the night of the 9th of May, which port was then blockaded by United States vessels.

42d interrogate. To the forty-second interrogatory deponent answers that the Sea Lion never had any commission or letters authorizing her to make prizes to his knowledge.

43d interrogate. To the forty-third interrogatory deponent answers that the Sea Lion has not acted in company with any armed vessel to his knowledge.

(S'd) FRANCISCO NETTO.

Sworn and subscribed before me this 29th day of May, 1863.

(S'd) GEORGE D. ALLEN, *Prize Commissioner.*

47 Afterwards, to wit, on the ninth day of June, Francisco Netto, master of said vessel, the Sea Lion, and Nelson Yocum, supercargo, appear by their proctor, Walter C. Maloney, esquire, and files their claim to the said vessel, the Sea Lion, and her cargo, in the words and figures following, to wit:

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO.

And now comes Francisco Netto, and being duly sworn, says that he is the master of the said schooner Sea Lion, and as such is the lawful bailee of the said schooner, her tackle, apparel, and furniture, and of her cargo. And he says that he is informed and believes that the said vessel and her cargo is the property of Brott, Davis & Shon, merchants of New Orleans, loyal citizens of the United States, and that no enemy of the United States has any property or interest therein.

And also comes Nelson Yocum, and says that he was put in charge of the cargo of said schooner Sea Lion, by one Werne, who, he believes, is a partner of the house of Brott, Davis & Shon, of New Orleans; that he believes the said vessel and cargo are bona fide the property of said Brott, Davis & Shon, of New Orleans, and that no enemy of the United States has any property or interest therein.

48 And the said Netto and Yocum claim the said schooner Sea Lion and cargo as the property of and in behalf of the said Brott, Davis & Shon. And they further say that the said vessel was bound in good faith to the port of New Orleans, there to deliver her cargo in pursuance of the license of George S. Denison, special agent of the Treasury Department of the U. S., and that if the said vessel and cargo is restored, it will belong to Brott, Davis & Shon, and to no other person or persons.

(S'd) N. YOCUM.
(S'd) FRANCISCO NETTO.

Sworn and subscribed before me this 30th day of May, 1863.

(S'd) GEORGE D. ALLEN, *Clerk U. S. D. Court.*

Afterwards, to wit, on the 22d day of July, in the year aforesaid, Walter C. Maloney, esq'r, proctor as aforesaid, filed in the clerk's office of said court the claim of Brott, Davis & Shons, owners of the said schooner Sea Lion and cargo, together with other papers marked and lettered from A to E, in the words and figures following:

A.

STATE OF LOUISIANA, *City of New Orleans:*

Be it known that on this thirteenth day of July, A. D. one thousand eight hundred and sixty-three, before me, Frederick L. Hubbard, a notary public in and for the parish of Orleans, State of Louisiana, duly commissioned and qualified, personally appeared George F. Brott and Isaac Davis, mem-
49 bers of the commercial firm of Brott, Davis & Shons, lately doing business in the city of New Orleans, (but now dissolved since the first of July, 1863,) the said George F. Brott and Isaac Davis now residing in New Orleans, and doing business as the firm of Brott & Davis, and the said Charles M. Shons now residing in New York, claimants of the schooner Sea Lion and of the cargo laden and found on said schooner.

And the said claimants further show that on the sixteenth day of February, eighteen hundred and sixty-three, they obtained from George S. Denison esq., special agent of the Treasury Department and acting collector of customs at New Orleans, a license to bring cotton and other produce from beyond the military lines of the United States and from within the Confederate lines into the port of New Orleans; that said license was then and there approved by D. G. Farragut, rear admiral, that thereupon the agents of these respondents, Messrs. Oliver & Werne, in Mobile, Alabama, acting on behalf of these respondents, loaded the said schooner Sea Lion, and put on board of her a cargo, consisting of about three hundred bales of cotton or a quantity equivalent thereto, and a small lot of terpentine, about seven or eight barrels; that in the latter part of March or beginning of April, eighteen hundred and sixty-three, the said agents of claimants proceeded from this city to Mobile for the purpose of shipping the said cargo, and they were furnished with the license from Collector Denison and Admiral Farragut, which
50 was placed in the hands of Mr. Nelson Yocum, who went on board the said schooner Sea Lion as supercargo, and express instructions were given by claimants to their agents to bring said schooner, with her cargo, to this port of New Orleans.

And these claimants depose and aver that it always was their design and intention to cause said schooner and her cargo to be brought to New Orleans and not to be taken to any *any* other place whatsoever; and that it was their intention to ship the said cargo from this port according to law, to the best market.

And the claimants further depose and aver that each and every member of the said firm of Brott, Davis & Shons, is a loyal citizen of the United States, and that no enemy of the United States has any property or interest in the said schooner Sea Lion and cargo aforesaid.

(S'd) GEO. F. BROTT.
(S'd) ISAAC DAVIS

Sworn and subscribed before me, the said notary, the day and year above written.

[SEAL.] (S'd) F. L. HUBBARD, *Not. Pub.*

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, July 15th, 1863.

To all persons to whom these presents may come:

Know ye that F. L. Hubbard is a duly commissioned notary pub-
51 lic in and for the parish of Orleans, State of Louisiana.

In testimony whereof, I have hereunto set my hand and affixed the seal of the State, on this the fifteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three, and in the year of the independence of the United States of America the eighty-eighth.

[SEAL] (S'd) G. F. SHEPLEY,
Military Governor of Louisiana.

B.

UNITED STATES FLAG-SHIP, *New Orleans, June 27th*, 1863.

Messrs. Brott, Davis & Shons:

GENTLEMEN: In reply to your interrogatory as to the instructions given by me to my commander of the Mobile blockade, I have to quote as follows; "Should any vessel come out of Mobile and deliver itself up as the property of a Union man desiring to go to New Orleans, take possession and send it into New Orleans for an investigation of the facts, and if it be shown to be as represented, the vessel will be considered a legal trader under the general order permitting all cotton and other produce to come to New Orleans."

Very respectfully,
(S'd) D. G. FARAGUT, *Rear Admiral.*

52 C.

STATE OF LOUISIANA, *City of New Orleans:*

Be it known that on this twenty-third day of June, in the year one thousand eight hundred and sixty-three, before me, Frederick L. Hubbard, a notary public in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, personally appeared John H. Hubbell, who being by me duly sworn, deposed that he was a passenger on board of the schooner called the Sea Lion, which sailed from Mobile on the ninth day of May last, with a cargo of cotton and turpentine, and that although the said schooner Sea Lion was cleared for Havana as a necessity, and in blind in order to get out of the port of Mobile, he understood she was going to New Orleans, and that he was bound for and expected to go to New Orleans, and that he was told by the supercargo of the said Sea Lion that it was his intention when off the bar to lay alongside of the blockading fleet in order to obtain a permit to come to New Orleans: that the said Sea Lion came out of the "swash channel," and that when over the bar, instead of following the channel down the coast, as is the usual custom of blockade runners, she, the said schooner, stood out for the blockading fleet to obtain the before men-
53 tioned permit; that as evidence of the intention of the supercargo to place the said schooner in the hands of the blockading fleet, he took her out when the wind was very light so that she was not able to sail over two knots an hour, and that it was with difficulty he induced the pilot to take her out with such a wind; that the said schooner Sea Lion hove to on hearing the first gun from the blockading fleet, and awaited being captured.

And the said appearer further declared that he is in no way interested in the cargo of the said Sea Lion, or in the schooner herself.

(S'd) J. H. HUBBELL.

Sworn and subscribed before me, the said notary, on the day and year first above written.

[SEAL.] (S'd) F. L. HUBBARD, *Not. Pub.*

D.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, July 10th, 1863.

The members of the firm of Brott, Davis & Shons, of New Orleans, are well known to me as unconditionally loyal citizens of the United States.

(S'd) G. F. SHEPLEY, *Military Governor Louisiana.*

54 E.

UNITED STATES INTERNAL REVENUE COLLECTOR'S OFFICE,
District of the State of Louisiana, New Orleans, July 10th, 1863.

SIR: I have the honor to acknowledge receipt of your letter of May 30th, concerning the schoner Sea Lion, and the authority under which she came out of Mobile. I furnished to Brott, Davis & Shons a certificate embodying substantially, an order from Maj. Gen. Banks commanding dept. of the Gulf, which order is now in my possession, and permits cotton to be brought to New Orleans from the enemy's lines, and sold here in good faith for U. S. currency. This certificate so furnished was endorsed by Rear Admiral Farragut. I did not know from what point it was the intention to bring the cotton, and did not think it of consequence to enquire. The bringing in of this cotton was under military authorization, endorsed by the highest naval authority here. I am acquainted with the firm of Brott, Davis & Shons, of this city, and with each member of said firm. They are thoroughly loyal men, do business honorably, and I believe have acted in entire good faith respecting the Sea Lion and the permit under which she came out.

Your ob'd't serv't,

(S'd) GEORGE S. DENISON,
Collector Internal Rev. for La., (late collector of customs.)

To W. C. MALONEY, Esq., *Attorney-at-Law, Key West.*

55 Afterwards, to wit, on the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and sixty-four, this cause came on to be heard before this court—present, the Honorable Philip Fraser, judge, Homer G. Plantz, esquire, district attorney of the United States for the district aforesaid, appearing on behalf of the United States, and Walter C. Maloney, esq., on behalf of the said claimants when the court proceeded to hear this cause upon the allegations and pleadings, the depositions taken in preparatorio, and the papers, letters, and writings found on board said vessel, together with the foregoing claim of Brott, Davis & Shons, and exhibits marked and lettered from A to E, filed in said court on the twenty-second day of July last past, and admitted as evidence in this cause by stipulation of counsel of this day's date; which stipulation is in the words and figures following, to wit:

THE UNITED STATES
vs.
SCHOONER SEA LION AND CARGO. } Prize.

It is hereby stipulated between the respective proctors in this cause that certain papers herein filed, marked A, B, C, D, E, may be read on the trial of this cause in the first instance, and be submitted and received as evi-
56 dence of such facts as they assume to set forth, and as coming from the persons therein represented as making such statements, in the same manner that the said statements would be received if made under oath, and as further proof upon an order for further proof in said cause, and with proper authentication.

(S'd) HOMER G. PLANTZ,
U. S. Att'y, So. Dist. of Fla.
W. C. MALONEY,
Proctor for Claimants.

And this cause having been fully argued on the day last aforesaid by the respective counsel, the premises were thereupon submitted to the court.

Afterwards, upon consideration thereof, on the twenty-seventh day of the said month of January, the parties aforesaid being present, it was ordered, adjudged, and decreed as follows, to wit:

THE UNITED STATES
vs.
THE SCHOONER SEA LION AND CARGO.

The evidence in this case shows that the schooner Sea Lion, of Mobile, Alabama, with a cargo of cotton and turpentine, laden on board at that place, sailing under the rebel flag (having no other on board) and a register issued by the rebel authorities at Mobile, ostensibly bound for Ha-
57 vana, Cuba, sailed out of the harbor of Mobile on the 9th of May last, and was captured on the night of the same day, in Mobile Bay, by the U. S. steamer Aroostook as prize of war.

The vessel and cargo coming from a State in insurrection against the United States, and having violated the blockade, are forfeited to the United States, unless it shall appear that they are exempt from capture and forfeiture by being embraced within the exception or proviso of the 5th section of the act of Congress approved July 13th, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes." The claimants insist that the vessel and cargo are exempt from seizure and forfeiture on account of an alleged license to the claimants to bring cotton or other produce from beyond the U. S. military lines to New Orleans; that the true destination of the vessel and cargo was New Orleans, thence to be shipped to some other port. The document set up as a license is dated at New Orleans, February 16th, 1863, and reads as follows:

The U. S. military and other authorities at New Orleans permit cotton to be received here from beyond the U. S. military lines, and such cotton is exempt from seizure or confiscation. An order is in my hands from Major General Banks approving and directing this policy. The only condition imposed is that cotton or other produce must not be bought with specie.

All cotton or other produce brought hither from the Confederate lines by Brott, Davis & Sbons will not be interfered with in any manner, and
58 they can ship it direct to any foreign or domestic port.

(Signed) GEORGE S. DENISON,
Special Agent of the Treasury Dep't and Acting Collector of Customs.

App'd.
(S'd) D. G. FARRAGUT, *Rear Admiral.*

The vessel and cargo coming from a port in possession of enemy, are stamped with a hostile character, and even were it proved that they were the property of loyal citizens of the United States, are by the act of Congress, as well as the law of blockade, forfeited to the United States. Nothing can exempt them but the permission or license of the President to the claimants to have commercial intercourse with the inhabitants "of such part of a State or section" "declared to be in a state of insurrection" as he may in such license designate, and this intercourse, so permitted, or license by the President, must be " carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury."

Has the law in this respect been complied with as regards the claimants? I think not. Neither the authority of Gen. Banks nor that of the special agent of the treasury, and under his direction, is sufficient to suspend the

operation of the law of Congress. The admiral of the fleet cannot do it, neither can the combined authority of them all do it. This great trust is confided to the President alone, and he has no power to delegate the
59 performance of it to another. There is no evidence that the President has granted a license to the claimants in this case, or that their intercourse in pursuance of such license was conducted and carried on in pursuance of rules prescribed by the Secretary of the Treasury. The special agent of the treasury, in granting this permit, does not profess to act by authority of the President, or in pursuance of rules issued from the treasury Department, but by the approval and direction of Gen. Banks. Indeed, so little did he feel that the responsibility of his act rested upon himself, that he remarks in his letter of July 10th, which was made in evidence by the counsel for claimants by permission of the district attorney, "I did not know from what point it was the intention to bring the cotton, and did not think it of consequence to inquire." Had the vessel and cargo come out of Wilmington under pretense of going to New Orleans, the property would have been equally entitled to exemption, if the view taken by the treasury agent be correct. A subsequent ratification of this permit by the President might perhaps give it validity, but there is no evidence of such ratification. Its absence may perhaps be deemed a presumption of disapproval by the President, though it may be doubtful whether a naked license granted by the President, not made effective by rules prescribed by the Treasury Department, would be available in defence.

The intention of Congress was evidently to place some check upon the powers granted by pointing out the manner in which it should be exercised. By the law of England, licenses of this description can be granted
60 only by the king in council, but a subsequent ratification of a license issued by a subordinate officer of the crown would there give it validity. In the case of Hope and others, (1 Dod., 226,) Sir William Scott, in pronouncing judgment, says, "To exempt the property of enemies from the effect of hostilities is a very high act of sovereign authority. If at any time delegated to persons in a subordinate situation, it must be exercised either by those who have a special commission granted to them for the particular business, and who in legal language are termed mandatories, or by persons in whom such power is vested in virtue of any official situation to which it may be considered incidental. It is quite clear that no consul in any country, particularly in an enemy's country, is vested with any such power in virtue of his station, ei rei non prae ponitur, and therefore his acts relating to it are not binding. Neither does the admiral on any station possess such authority."

The policy of our government in this respect has been indicated by its solemn acts of legislation. Subordinate officers cannot change, the courts cannot modify or repeal the law. We do not make law, but enforce its provisions.

It is sufficient, therefore, without referring to any other questions which arise in this case, or to any palliating or suspicious circumstances connected with it, simply to pronounce upon the question of license, which is conclusive.

It is therefore ordered and adjudged that the said schooner Sea
61 Lion, her tackle, apparel, and furniture, together with the cargo laden on board, be condemned and forfeited to the United States as lawful prize of war.

Jan'y 27th, 1864.

(S'd) PHILIP FRAZER, *U. S. Judge.*

63 Whereupon, the foregoing final decree being pronounced and entered in this cause, comes Walter C. Maloney, esquire, proctor for the said claimant, and shows to the court that the matter in dispute exceeds in value the sum of two thousand dollars, and thereupon in open court prays an appeal from the aforesaid decree to the Supreme Court of the United States next to be holden at Washington, on Monday, the fifth day of December next.

Whereupon it is ordered that the same be accordingly allowed, on the claimants giving security, as required by law and the rules of this court, to answer all costs and expenses that may be adjudged and decreed against them, and to prosecute the appeal to effect.

Afterwards, to wit, on the twenty-seventh day of February, the said claimant having deposited in the registry of this court the sum of two hundred and fifty dollars, as security, to answer all costs and expenses that may be adjudged and decreed against them and to prosecute said appeal to effect.

Whereupon it is ordered that said appeal be accordingly allowed.

65 District court of the United States for the southern district of Florida.

I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the foregoing document, hereunto annexed, is a correct transcript of the record of this court in the cause of the United States *vs.* the schooner Sea Lion and cargo, (prize,) Francisco Netto, master and claimant of vessel, and Nelson Yocum, claimant of cargo, and Brott, Davis & Shons, claimants of vessel and cargo, lately adjudicated in this court, as appears from the admiralty records and files of said court kept in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Key West, in the southern district of Florida, this ninth day of May, in the year of our Lord one thousand eight hundred and sixty-four, and independence of the United States the eighty-eighth.

[SEAL.] GEORGE D. ALLEN, *Clerk.*

S. C. U. S. No. 153.

December Term, 1866.

THE SCHOONER SEA LION *vs.* UNITED STATES.

BRIEF OF APPELLANTS.

Geo. F. Brott, Isaac Davis, and Charles M. Shons, formerly members of the commercial firm of Brott, Davis & Shons, of the city of New Orleans, received from George S. Dennison, Special Agent of the Treasury Department, and Acting Collector of Customs at New Orleans, the following paper, dated Feb. 16, 1863:—

"The U. S. military and other authorities at New Orleans permit cotton to be received here from beyond the U. S. military lines, and such cotton is exempt from seizure or confiscation. An order is in my hands from Major-Gen. Banks approving and directing this policy. The only condition imposed is that cotton or other produce must not be bought with specie. All cotton or other produce brought hither from the Confederate lines by Brott, Davis & Shons will not be interfered with in any manner, and they can ship it direct to any foreign or domestic port." Rec. p. 9.

This paper was endorsed approved by D. G. Farragut, Rear Admiral. Not only was it thus endorsed, but he gave at the same time the following instructions to his commander of the Mobile blockade:—

"Should any vessel come out of Mobile and deliver itself up as the property of a Union man desiring to go to New Orleans, take possession and send it into New Orleans for an investigation of the facts, and if it be shown to be as represented, the vessel will be considered a legal trader, under the general order permitting all cotton and other produce to come to New Orleans." Rec. p. 22.

Having thus the sanction of the civil and military authorities at New Orleans, Messrs. Brott, Davis & Shons addressed the following communication to Mr. Robert Worne, under date of March 9, 1863:—

"Sir: All cotton and other produce shipped from within the Confederate lines to our address by yourself as our agent will be protected by us under authority from the military and naval authority of this place, dated Feb. 16, 1863, permitting us to receive such cargoes and to re-ship them to foreign ports. The original permit alluded to we herewith enclose to you." Rec. p. 10.

Mr. Worne, it appears from the evidence *in preparatorio*, was a member of the firm of Oliver & Worne, who were engaged in business in New Orleans; that these gentlemen were Danes by birth, and that on accepting the agency from Brott, Davis & Shons they proceeded to Mobile for the purpose, as such agents, to ship cotton to their principals in pursuance of the permit of Acting Collector Dennison, and the endorsement thereof by Admiral Farragut. Rec. p. 14. Answer to 14th interrogatory and p. 21.

Mr. Worne doubtless finding that he could thus better facilitate the objects of his principals, transferred his agency to J. Hohenstein & Co., of Mobile.

These gentlemen, upon assuming this function or employment, made preparations to ship the cargo in question. The Sea Lion was bought and loaded with 270 bales of

cotton, together with a small shipment of turpentine belonging to the master and crew. Rec. p. 17, int. 9. Nelson Yocum was placed on board as supercargo, and instructed to run out to the fleet, and give the vessel up, with a view to her being sent to New Orleans in accordance with the instructions of Admiral Farragut. Rec. p. 14, int. 16. The master, a Spaniard, was not entrusted with these instructions, but was informed of them as soon as the vessel got past Fort Morgan, that is, as soon as it was safe to do so. Rec. 17, int. 17. The passengers on board, Mr. Goodwin, of Cincinnati, and Mr. Hubbell, of Michigan, both were informed of the true destination of the vessel, and in consequence took passage on her. Rec. p. 16, int. 34, and p. 22.

The Sea Lion came out from Mobile on the night of May 9th, 1863, and the master states that after [illegible] Aroostook, the capturing vessel, he headed t[illegible] towards ~~him.~~ Rec. 19, p. 36. Mr. Hubbell c[illegible] statement of the master. Rec. p. 22. Mr. Yo[illegible] perceive the change of course, but supposed the vessel was dropping down to the fleet with the tide. Rec. p. 16, int. 36.

It is not precisely stated at what hour the capture was made; the master thinks about 12 o'clock; the supercargo about 10 o'clock.

When the Aroostook discovered the S[illegible] commenced firing at her; and if the purpo[illegible] age was other than as represented, she coul[illegible] turned back and placed herself under th[illegible] Morgan, distant about three miles.

If the circumstances of this transaction are considered with reference to the fact that the agents of the claimants were in a situation of danger at Mobile while executing their agency; that they were compelled in order to get this cotton out to comply with all the civil and military regulations of the port; and were compelled too to prac-

"Should any vessel come out of Mobile and deliver itself up as the property of a Union man desiring to go to New Orleans, take possession and send it into New Orleans for an investigation of the facts, and if it be shown to be as represented, the vessel will be considered a legal trader, under the general order permitting all cotton and other produce to come to New Orleans." Rec. p. 22.

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Mr. Worne, it appears from the evidence *in preparatorio*, was a member of the firm of Oliver & Worne, who were engaged in business in New Orleans; that these gentlemen were Danes by birth, and that on accepting the agency from Brott, Davis & Shons they proceeded to Mobile for the purpose, as such agents, to ship cotton to their principals in pursuance of the permit of Acting Collector Dennison, and the endorsement thereof by Admiral Farragut. Rec. p. 14. Answer to 14th interrogatory and p. 21.

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cotton, together with a small shipment of turpentine belonging to the master and crew. Rec. p. 17, int. 9. Nelson Yocum was placed on board as supercargo, and instructed to run out to the fleet, and give the vessel up, with a view to her being sent to New Orleans in accordance with the instructions of Admiral Farragut. Rec. p. 14, int. 16. The master, a Spaniard, was not entrusted with these instructions, but was informed of them as soon as the vessel got past Fort Morgan, that is, as soon as it was safe to do so. Rec. 17, int. 17. The passengers on board, Mr. Goodwin, of Cincinnati, and Mr. Hubbell, of Michigan, both were informed of the true destination of the vessel, and in consequence took passage on her. Rec. p. 16, int. 34, and p. 22.

The Sea Lion came out from Mobile on the night of May 9th, 1863, and the master states that after seeing the Aroostook, the capturing vessel, he headed the Sea Lion towards ~~him.~~ Rec. 19, p. 36. Mr. Hubbell confirms the statement of the master. Rec. p. 22. Mr. Yocum did not perceive the change of course, but supposed the vessel was dropping down to the fleet with the tide. Rec. p. 16, int. 36.

It is not precisely stated at what hour the capture was made; the master thinks about 12 o'clock; the supercargo about 10 o'clock.

When the Aroostook discovered the Sea Lion, she commenced firing at her; and if the purpose of the voyage was other than as represented, she could ~~rapidly~~ have turned back and placed herself under the guns of Fort Morgan, distant about three miles.

If the circumstances of this transaction are considered with reference to the fact that the agents of the claimants were in a situation of danger at Mobile while executing their agency; that they were compelled in order to get this cotton out to comply with all the civil and military regulations of the port; and were compelled ~~too~~ to prac-

tice mystery and reserve in order to conceal the real objects of the voyage, it will be found that nothing appears in the papers to impeach the good faith of the parties concerned in this business.

The ~~captain's~~ brief abounds in inaccuracies, conjectures, assumptions, and suspicions, which the court will perceive are unsupported by the facts contained in the record.

The facts established by the evidence, we submit, sustain the following positions:—

First. *The cargo in question, together with the vessel, were the property of loyal citizens of the United States.*

Second. *That the voyage in question was authorized by the civil and naval authorities of the United States, and was undertaken solely with the view of giving up the vessel and cargo to the blockading fleet, in accordance with such authorization.*

Third. *That the permit in favor of the claimants was employed in good faith, and nothing in the papers or the evidence appears to raise a doubt of that fact.*

Fourth. *The letters of introduction furnished the supercargo of the Sea Lion by Oliver & Worne, and by R. Worne, are of no importance so far as the voyage in question is concerned, and however construed cannot affect the bona fides of the claimants. The construction put upon them by the counsel for the Government is unwarranted.*

THE LAW.

First. The order of Admiral Farragut to his commander of the Mobile blockade not to capture vessels and cargoes in the situation of the Sea Lion and cargo (Rec., p. 22), together with his endorsement of the

"Permit" of the Acting Collector (Rec., p. 9), were acts incidental to his position (The Hope, 1 Dod. 226); and privileged this vessel and cargo from capture. There is no case where a capture was made in contempt and violation of the orders of the superior officer that condemnation of the property has followed.

Second. If the act of Admiral Farragut in privileging the property of the claimants from capture was irregular, it by no means follows that such property is condemnable as prize.

The Juffrow Maria Schrœder (3 Rob. 155).
The Vrow Barbara,
The Henricus,
The Vonscab,
(Reported in the notes to the above case, 3 Rob. 155.)

Johanna Maria (reported in Deane on Blockade, p. 86, 115.)
The Neptunus (2 Rob. 110).

Third. The *bona fides* of the transaction take from the vessel and cargo the character of hostility, and entitle them to the utmost liberality of construction. On this principle property has been protected not only where a license had expired, but where the Government had refused to renew it. (The Æolus, 1 Dodson.) And also where, under the circumstances, a license would have been granted, if applied for. (Madonna delle Gracie, 4 Rob. 195.)

Fourth. The order of General Banks, endorsed by Admiral Farragut, did not contemplate commercial intercourse as such; but had in view crippling the enemy, and depriving him of cotton, his most important resource. It was a military measure under the guise of trade, and within the sphere of their military function or position.

(Duer on Insurance, p. 597; Halleck, p. 663; 1 W. Kent, p. 162; Vattel, p. 416.)

Fifth. If the order of General Banks and Admiral Farragut should be held to fall within the prohibition of the non-intercourse act, then the property in question, if forfeitable at all, should be forfeited under that act, and an opportunity be thus given the Treasury Department to pass upon the merits of the transaction.

HENRY FLANDERS, *for Appellants.*

SUPREME COURT OF THE UNITED STATES.

No. 153.

THE SCHOONER SEA LION AND CARGO, FRANCIS NETTO, MASTER AND CLAIMANT OF VESSEL, AND NELSON YOCUM, CLAIMANT OF CARGO, AND BROTT DAVIS & SHONS, CLAIMANT OF VESSEL AND CARGO, APPELLANTS,

vs.

THE UNITED STATES.

BRIEF OF THE PLAINTIFFS.

This cause comes on appeal from the Southern District of Florida, and is prosecuted to reverse a judgment of condemnation against the schooner Sea Lion and her cargo of cotton.

The schooner was given up to the United States blockading ships at Mobile by direction of the claimants May 9th, 1863. They insisted that under a license or permit, (Rec. p. 9) issued by the agent of the Treasury Department and Collector of Customs at New Orleans, February 16, 1863, approved by the Rear Admiral, then in command of the Gulf squadron, and pursuant to a general order of the United States military commander of that Department, that the commander of the vessel to whom the Sea Lion was given up, should have sent her to New Orleans, instead of Key West, where she was libelled.

ACTS OF CONGRESS, PROCLAMATION OF THE PRESIDENT, &c.

As the questions thus arising under the license and capture depend upon the existing acts of Congress, as construed and enforced by the Executive Department, as well as upon the authority of the General of an army to regulate in time of war intercourse with the enemy, it may be well to glance at the regulations and usages established and permitted by the Government, then controlling the commercial intercourse of our citizens with the rebels on territory in their possession.

On the 15th of April, 1861, the President issued his proclamation calling out the militia to suppress an insurrection in several States, and among them Louisiana and Alabama. On the 19th and 27th of April, the President, by proclamation, declared the ports of New Orleans, Mobile, and others, under blockade, which was made effective by a proper naval force.

The legality of this blockade and other cotemporaneous acts of the Executive, as also the resulting public war, were judicially declared in the prize cases, 2 Black, p. 635.

The 3d act of the 37th Congress, at its extraordinary session, was that of July 13, 1861, "to further provide for collection of duties on imports, and for other purposes," 13 Stat., p 255.

The 5th section of this act prohibits all commercial intercourse between loyal citizens and citizens of the declared insurrectionary districts, and forfeits to the United States all goods, vessels and vehicles that may come from the latter.

It however provides that the President, in his discretion, might license commerce with the rebel districts, to be carried on under such regulations as the Secretary of the Treasury might prescribe. Making the granting of such license an Executive function, to be exercised through the Treasury Department. In execution of this 5th section, the President, on the 16th of August, 1861, issued his proclamation declaring the people of Louisiana, Alabama, &c., to be in insurrection, and all commerce with them unlawful, and subjecting

all objects of such trade, with the vessels, and vehicles used in their transportation forfeited to the United States, unless licensed by the President through the Secretary of the Treasury. 13 Stats., p. 1262.

May 12, 1862, the President, by proclamation, removed the blockade from New Orleans and reopened the port, and the Secretary of the Treasury appointed a special Treasury agent and collector of customs for it, and issued special regulations for his conduct. 13th Stats., p. 1264.

May 20th, 1862, Congress passed an act supplementary to that of July 13, 1861, which recognizes the power to license created by that law as conferred upon the Secretary of the Treasury, and lays upon him the duty of prescribing by rules the mode of its exercise. 12 Stats p. 404.

This duty was performed by issuing the "Regulations concerning internal and coastwise intercourse." August 28th, 1862, to which were appended the circulars of the Secrataries of War and Navy.

The first paragraph authorizes the "special agents" to extend them, thus indicating their jurisdiction over the whole subject.

The second paragraph seems to contemplate in particular the purchase of cotton in the rebel States, and declares that "no payment of gold or silver shall be made for cotton or other merchandise within such State or section."

The third, fourth, fifth, sixth, seventh, eighth, ninth and eighteenth, (in all of which, except the last, the license is called a permit,) evidently contemplate the granting of the "permit," or license, by the subordinate officers of the Treasury Department, and regulate the mode of its issue, and fix a table of fees for the service. These regulations seem to contemplate a carriage of goods into the rebel States. The last clause of the sixth only incidentally recognizes the existence of permits to bring goods from them, and merely declares that such permit shall be in violation of no military order. It is believed that while the power to grant permits to bring goods from the enemy's country is thus recognized, the issuing of them is left to the discretion of the officers charged with that duty.

lines by Brott, Davis & Shon will not be interfered with in any manner, and they can ship it direct to any foreign or domestic port.

GEORGE S. DENISON,

Special Agent of the Treasury Department and Acting Collector of Customs.

Approved, D. G. FARAGUT, *Rear Admiral.*

Rec. p. 9.

March 9th, 1863, the claimants delivered the above to Robert Wern, as their agent, to purchase cotton, &c., and he transferred the same to Honhenstein & Co., of Mobile, Alabama. Rec., p. 10.

Honhenstein & Co. loaded the Sea Lion at Mobile, about the first days of May, and put one Netto, a Spanish subject, on board as master, with a crew of seven men, all foreigners. Nelson Yocum was appointed super-cargo, with power to control the voyage, vessel and cargo. J. H. Hubbell and another were on board as passengers to New Orleans. The Sea Lion cleared with regular Confederate papers and rebel flag for Havana. She got out past Fort Morgan on the evening of the 9th of May, and on discovering the Aroostook of the blockading squadron, the Sea Lion was headed towards her, and given up as the property of loyal men, with a request to be sent to New Orleans. There is no contrariety in the proof that while Netto and the crew supposed that the attempt was to be made to run the blockade and go to Havana, the claimants, Honhenstein & Yocum had the single purpose of getting the cargo on board, clearing from Mobile, and giving the vessel up with the expectation of her being sent at once to New Orleans. See testimony of Yocum, p. 12; of Netto, p 17, &c.; of Brott and Davis, p. 21, &c..

This was communicated to the passengers, who took passage for New Orleans: See testimony of Hubbell, p. 22. It was for this purpose that the permit to Brott & Co. was given, and was found on board the vessel in the hands of Yocum. See answer to 32d interrogatory, p. 15, also pp. 2 and 9.

See also letter of Mr. Denison, special agent, &c., Exhibit E, p. 23.

In violation of the permit, orders and instructions, the Sea Lion was sent to Key West and condemned.

LEGAL PROPOSITIONS.

I. It is claimed that the permit given by special agent Denison to the claimants was ample to protect the Sea Lion and cargo everywhere within the waters and territory under the control of the United States civil or military authority.

1st. Said special agent had authority to grant a permit to bring cotton from the rebel lines to the port of New Orleans, derived from the above mentioned acts of Congress, and regulations of August 28th, 1862.

2d. The right to grant such permits was incident to the office and functions exercised by said special agent at the time he issued it. Case of the Hope, 1st Dod. Ad. Rep., 226. Dana's Wheaton, pp. 409, 410.

3d. The terms of said permit did not conflict with any of the regulations of the Secretary of the Treasury, or with any provisions of the acts of Congress in force at its date. Nor was it revoked or modified before the capture of the Sea Lion. It should be liberally construed to sustain the policy of the Government. 1st Ed., Ad., p. 327: Halleck p. 679; 1st Duer. 594-6; 1 Kent, 163.

II. The Sea Lion was captured in violation of the orders of Rear Admiral Farragut by a vessel under his command, which seizure was therefore, with all subsequent proceeding predicated thereon, illegal. Case of the Hope, 1st Dod. above cited, where it is held that an admiral can control the action of his own ships. Dana's Wheaton, p. 410.

III. The order of General Banks, the military commander of the department of the Gulf, was of itself ample to legalize the venture of

the claimants within his department. Grotius, book 3d, ch. 22, p. 706: do. p. 727; Puffendorf, book 8, ch. 6, sec. 10, p. 690; Vattel, p. 416; 1st Kent, 162; Halleck, p. 663; do. 677; 1st Duer, 597.

STEWART & RIDDLE,

For Defendants.

In the Supreme Court of the United States.

DECEMBER TERM, 1866.

SCHOONER SEA LION AND CARGO
vs.
UNITED STATES.
} No. 153.

Appeal from the district court for the southern district of Florida.

THE CASE.

This vessel was captured at midnight on the 9th of May, 1863, while running the blockade of Mobile, with a primary destination, as will appear, to Havana.

When captured she was a few miles, as the master testified, *southeast* of Fort Morgan, having evidently timed herself so as to pass that point at night, and was fired at four times by the capturing vessel.—(Rec., p. 18, int. 19; p. 17, int. 5.) She was taken to Key West, and the vessel and cargo (272 bales of cotton and some turpentine) libelled on June 3, 1863, as prize of war. The master, (FRANCISCO NETTO,) and the alleged supercargo, (NELSON YOCUM,) joined in an informal claim for vessel and cargo as the property of the firm of BROTT, DAVIS & SHON, of New Orleans, alleging that the vessel was bound in good faith to New Orleans, there to deliver her cargo in pursuance of a license from George S. Denison, special agent of the Treasury Department.—(Rec., p. 20.) This was followed by an affidavit of two members of the firm of Brott, Davis &

Shon, reciting certain details as to the shipment of the cargo under the pretended license, but omitting any averment of ownership in that firm of the vessel and cargo, as asserted in the master's claim.—(Rec., p. 21.)

The cause was heard upon the preparatory proofs and papers, and certain private letters improperly admitted, by consent of the district attorney, into the record, and a decree of condemnation entered against vessel and cargo.—(Rec., pp. 24, 25.)

THE FACTS.

These facts are established, we believe, by the evidence (affirmative and negative) in the record.

1. THAT BOTH VESSEL AND CARGO WERE THE PROPERTY OF ENEMIES RESIDING AND TRADING IN MOBILE. THE CLAIM OF OWNERSHIP ON BEHALF OF THE NEW ORLEANS FIRM IS A MERE FICTION.

2. THAT THE VOYAGE IN QUESTION WAS A BLOCKADE-RUNNING VOYAGE, CONCEIVED AND PROSECUTED BY ENEMIES OF THE UNITED STATES, WITH ENEMY VESSEL AND ENEMY CARGO, FROM MOBILE TO HAVANA.

3. THAT THE PRETENDED PERMIT IN FAVOR OF THE NEW ORLEANS AGENTS OF THE MOBILE HOUSE WAS OBTAINED AND EMPLOYED FOR THE PURPOSE OF SIMULATING A LICENSED VOYAGE PROSECUTED IN GOOD FAITH TO NEW ORLEANS.

4. THAT THE NEW ORLEANS CLAIMANTS COLLUDED WITH PUBLIC ENEMIES FOR THE CONVEYANCE OF HOSTILE PROPERTY TO A FOREIGN MARKET, IN VIOLATION OF THE BLOCKADE AND LAWS OF THE UNITED STATES. THE VOYAGE IN QUESTION, AS CONTEMPLATED BY THE ORIGINAL DESIGN OF THE MOBILE PARTIES AND THEIR NEW ORLEANS CONFEDERATES, WAS FROM A REBEL PORT TO A FOREIGN PORT, UNDER REBEL NATIONALITY, PAPERS, AND FLAG.

On the 16th of February, 1863, a mercantile firm in New Orleans, styled BROTT, DAVIS & SHON, obtained from GEO. S. DENISON, "special agent of the Treasury Department and acting collector of customs," a paper termed by the parties in interest a *license* to import cotton and other produce into New Orleans from the confederate lines, and which is found on *page* 9 of the *record*. This document on its face authorized nothing. It stated certain facts which it is hoped, for the credit and good fame of the civil and military service in the locality of New Orleans at that time, were misconceptions, and made certain promises of protection in regard to unlawful trade to be carried on by Brott, Davis & Shon, which the party who signed the document had no authority, under any law, public or statutory, to make on behalf of the government.

This paper the claimants have put forward as a license authorizing the purchase of cotton in Mobile, then under stringent blockade, and the shipment of cotton to New Orleans, also under blockade, and unapproachable from the sea save by express license of the government.—(See proclamation of May 12, 1862, 12 Stats. at Large, p. 1264.)

On the 9th of March, a month after the issuance of the pretended license, Brott, Davis & Shon transmit it to Mobile in a letter addressed to *Robert Werne*, who was evidently a member of a firm spoken of as "*Oliver & Vern*," signing themselves in correspondence from Mobile with Brott, Davis & Shon as "*Oliver & W.*"—(Rec., p. 10.)

This firm of *Oliver & Werne* were Mobile enemy traders, as the court will believe. They probably had certain relations, perhaps some sort of commercial status,

in New Orleans, and no doubt had an interest in the success and profit of the voyage in question. But that they were in fact and law domiciled for purposes of trade at Mobile cannot be doubted under the evidence. Their operations were probably of an *underground* character, involving illicit traffic with enemies at both points.

"*All cotton and other produce,*" say BROTT, DAVIS & SHON, in writing to WERNE, "*shipped from within the confederate lines to our address by yourself,* (ROBERT WERNE,) *as our agent will be protected by us under authority from the military and naval authority of this place, dated February* 16, 1863, *permitting us to receive such cargoes and to reship them to foreign ports. The original permit alluded to we herewith enclose.*"

The pretended agency created by this letter, Werne transfers to MESSRS. J. HONHENSTEIN & Co., of Mobile.—(Rec., p. 10.) And thereupon Messrs. Honhenstein & Co. proceed to purchase and fit out and lade the SEA LION for a voyage to Havana.

They have in their hands as has been seen, a document signed Mr. George S. Denison, under which, in case of capture, a New Orleans house—"thoroughly loyal men who do business honorably"—can safely make a claim for restoration at the hands of the civil, military, and naval authorities of the United States.

The Sea Lion is purchased—a southern vessel, built in 1858, in Alabama. N. YOCUM and J. HONHENSTEIN, trading as J. Honhenstein & Co., make oath that they are the only owners of this vessel, and on May 8, 1863, a confederate register issues to them at Mobile. *Yocum* delivers the vessel to the master, Francisco Netto.—(Rec., p. 17, int. 7.) The crew is shipped for a voyage

to Havana.—(Rec., p. 3.) A manifest of a cargo of 270 bales of cotton, omitting all reference to the turpentine on board, and naming no consignor and no consignee, is signed by the master, who swears that the merchandise is intended to be exported to Havana.—(Rec., p. 8.)

This Nelson Yocum—of the firm of J. Honhenstein & Co—goes on board as alleged supercargo, and in his company are two persons described as passengers to New Orleans. This man, Yocum, was examined as a witness *in preparatorio*. He represents himself in his deposition as having no interest in, and bearing no relation to, the voyage except as supercargo. He knows nothing of the ownership of vessel or cargo, save from hearsay evidence—conversations at Mobile with Oliver & Werne, etc., etc.—(See his testimony, pp. 13, 14, 15, etc.) And yet it appears that he is one of the registered owners of the *Sea Lion*, and one of the shippers of the cargo, and has in his pocket a letter of credit from his own firm for more than $150,000. Not a word of this appears anywhere in his ingenious deposition.

The "passengers" were unquestionably on their way to Havana.

What fix the character and relations of this man, Yocum, more clearly, perhaps, than anything else, are three letters found on his person when captured. They are on pp. 9 and 10 of the *Record*. They are the most remarkable correspondence the counsel for the government have yet met with in any prize records. The letters are brief, but pregnant. They are dated *May* 10, 1863. As the vessel cleared on the 8th of May, and was captured on the 9th, this fact seems a little inexplicable. But it was probably a mistake of the writer as Yocum swears that the letters were with him on the voyage.—(Rec., p. 15, int. 20.)

They are letters by "*Oliver & W.;*" *Oliver & Werne or Vern*, to whom Brott, Davis & Shon sent their "license," on March 9—introducing *Mr. Yocum*, "the senior of the firm of J. Hotenstein & Co., of Mobile," to Mr. Brott, of the firm of Brott, Davis & Shon, and also to Mr. Mason Pilcher, president of the Bank of New Orleans.—(Rec., p. 9.) Mr. Yocum (it is there said) visits New Orleans on business, and is recommended to the best attentions of Mr. Brott. Mr. Y. has certain "*purposes*" in visiting New Orleans, *which he will explain to Mr. Brott verbally*. The first letter closes with the expression of a generous trust that lively business transactions between their respective firms (Hotenstein & Co., of Mobile, and Brott, Davis & Shon, of New Orleans) may be the result of the meeting with Mr. Yocum. The full import of this letter will not be perceived without remembering the legal relations and duties of the parties concerned at the time as public enemies.

Then the first letter to *Mr. Pilcher*, the bank president, desires that gentleman to assist Mr. Yocum "*in his purposes.*"—(Rec., p. 9.)

The second letter to that gentleman is the most curious of the set. Mr. Yocum is described as taking out some cotton—where, is not stated; but that appears by a construction, rather an interpretation, of the letter. Mr. Yocum, it is stated, intends to purchase a steamer at Havana for $40,000, and is under "*heavy bonds to take his shipment to Havana*, and Mr. Pilcher is requested to have that shipment "*immediately released and cleared for that port.*"—(Rec., p. 10.)

The meaning of all this is clear. When the Sea Lion left Mobile the danger of her capture was naturally apprehended. In that event, the "license" to Brott,

Davis & Shon was to be employed by Yocum, as showing a legalized voyage to New Orleans. And these letters of introduction were intended to serve Yocum's ends in getting the vessel and cargo released, so that she might proceed on her voyage to Havana, where the cargo was probably to be reshipped to England on the steamer intended to be purchased by the "supercargo," as mentioned in the second letter to Mr. Pilcher.

The result justified the apprehension of the Mobile gentlemen and their New Orleans correspondents. The Sea Lion *was* captured, but not taken to New Orleans. The claim of ownership, and of a licensed voyage *is* made by Brott, Davis & Shon. Whether Mr. Pilcher used his supposed influence to have her immediately released and cleared for Havana is not known. Certainly the "supercargo," Yocum, and the master Netto, used their best endeavors to accomplish that result, in giving their testimony.

It is scarcely believable that Yocum would persist in averring that he was merely "supercargo," to receive $500 for the trip, (Rec., p. 15,) in the face of the papers referred to, and of that other paper on p. 11 of the record found in his possession, which is a bill of credit for $150,000, in his favor, drawn by his own firm of Hohenstein & Co. This money was of course to be used in purchasing a steamer at Havana to carry the cotton to England.

He is under heavy bonds to take *his* shipment to Havana, (Rec., p. 10,) and yet he swears that he believes, from conversations had at Mobile, that the cargo belonged to Messrs. Oliver & Vern, and Brott, Davis & Shon. (Rec., p. 14, int. 16.) The master knows noth-

ing about the ownership of vessel or cargo save what Yocum told him. (Rec., p. 18, int. 16.) *Thus it appears that nobody in the case can speak of his own knowledge about the ownership of this large amount of property.* There are no *proprietary* papers to supply the deficiencies in the evidence of the examinants.

As to the *destination*, we think the court will entertain no doubt that the primary destination was Havana, with a contingent destination only to New Orleans, to be asserted in the event of capture, and to be supported by the pretended license of the treasury agent. The destination to New Orleans, in our view, was wholly false and simulated.

(1.) The departure from Mobile was evidently so timed as to bring the Sea Lion out at sea, beyond Fort Morgan, at night, so that she might escape the blockaders under the cover of the darkness.—(Rec., p. 20, int. 41; p. 16, int. 36.)

(2.) She was sailing on a *southeast* course when captured.—(Master's testimony, p. 17, int. 3.)

(3.) But, more important than all, no log book was kept for the voyage, at least none was produced. It was either not kept by the master, or it was destroyed. Either alternative is fatal.

Such are the more conspicuous facts of this remarkable case. We will now indicate, briefly, a few of the more important conclusions of law deducible from the evidence.

THE LAW.

FIRST. The vessel is confiscable as enemy property.

(*a.*) The confederate register shows that she was owned by J. Hotenstein & Co., of Mobile.—(Rec., p. 2.)

(*b.*) Yocum's belief to the contrary, based on "representations" of Oliver & Werne and Brott, Davis & Shon, is, under the view heretofore taken of his testimony, wholly unworthy of consideration.—(Rec., p. 14, int. 14.)

(*c.*) Oliver & Werne, however, were undoubtedly residents of Mobile, or persons carrying on hostile trade at that port; and therefore any interest owned by them in this vessel would be confiscable as enemies' property.

(*d.*) The affidavit of claimants omits any allegation of ownership by them.—(Rec., p. 21.)

(*e.*) But if the proprietorship of Brott, Davis & Shon were ever so clearly established, the vessel would be confiscable.

(1.) As having been purchased in a blockaded port. (General Hamilton, 6 Rob., 62; 6 Rob., 124; 4 Rob., 89; 1 Rob., 111.)

(2.) As acquired in illicit trade with enemies.

(*f.*) Independently of all this, the vessel is concluded by the register and flag under which she sailed; and they were rebel.—(Vrow Elizabeth, 5 Rob., 5, 6.)

SECOND. The cargo also is enemies' property.

(*a.*) Whether the proprietary interest was vested in Hotenstein & Co. or Oliver & Werne, or in both those houses, the goods are hostile.

(*b.*) The alleged ownership of the claimants is not only unsupported by the slightest evidence, document-

ary or parole, but it is negatived and rebutted by whatever there is of evidence, as to the proprietorship of the cargo, in the record.

The claimants, in their affidavit, have most carefully and scrupulously omitted to aver title in themselves in the cargo.

They speak of the alleged license—of the shipment of the cargo at Mobile, etc.—but not a word, as to their own ownership, is to be found in that affidavit.—(Rec., p. 21.)

(*c.*) Of course, in a court of prize, nothing inferior to the most conclusive evidence would answer to establish title in the claimants to property such as this, acquired on, and shipped from, the enemies' territory under the circumstances attending the voyage.—(The Merrimack, 8 Cranch, 327: The Frances, ib., 352.).

THIRD. The vessel and cargo are also confiscable for breach of blockade.

(*a.*) Whether the intended voyage was to Havana; and in that case blockade was broken at Mobile: or,

(*b.*) Whether the destination was to New Orleans—in which case the blockades of Mobile and New Orleans were both violated. The proclamation of May 12, 1862, and the accompanying regulations of the Secretary of the Treasury, relaxed the blockade of New Orleans merely to the extent therein specified, which was to allow access to that port only in the case of vessels clearing from foreign ports, by license of consuls of United States, and, in the case of vessels of United States clearing coastwise, under license granted by the *Treasury Department.*—(12 Stats., 1264.)

FOURTH. The pretended license given by George S. Denison is not a bar to the condemnation of the property upon the grounds, or either or any of them, just mentioned.

1. The paper is not in fact a license.

(*a.*) On its face it is merely a CERTIFICATE embodying certain supposed facts; and it is so expressly described and *named* in the explanatory letter of Mr. Denison, of July 10, 1863.—(Rec., p. 23.)

(*b.*) From its contents and the explanations contained in the letter referred to, it is apparent that the basis of and sole warrant for this document was the alleged order mentioned therein of Major General Banks permitting cotton to be brought to New Orleans from the enemy's lines, and that it does not purport to have been issued under the authority of any statute of the United States or regulation of the Treasury Department.

2. But if it should be otherwise construed, and held to have been intended, by the officer of the Treasury Department who issued it, to operate as a license of the trade in question, then we affirm that it issued without the authority of any law or regulation then or afterwards in force concerning commercial intercourse with the insurgent States, and is therefore null and void.

(*a.*) The regulations of the Secretary of the Treasury of August 28, 1862, were in force at the date of this alleged permit, February 16, 1863. At the time of the capture (May 9, 1863,) these regulations had been superseded by the regulations of the Secretary of the Treasury of March 31, 1863, which were in turn revoked and superseded by the trade regulations of September 11, 1863.

(*b.*) First of all and chiefly, in regard to the regulations of August 28, 1862, (relied upon by the claimants,) it is maintained that under those regulations no officer or agent of the Treasury Department had power or authority to license or permit the shipment of merchandise to or from any port or place under *blockade.*

By the true construction and intendment of those regulations any and every such port or place was excluded from their operation.—(Sec. III, VI, XVIII, and XIX regulations.)

It is a supposition too monstrous to be entertained for one moment, that at a time when all the energies of the government were bent to the maintenance of the blockade of the southern ports, under a just conviction that upon the destruction of their trade depended, more than upon any other belligerent measure or operation, the success of our great cause, the President and Secretary of the Treasury would so exercise the high and delicate trust confided to them by Congress as to invest every petty treasury agent in the land with power to nullify the blockade of any rebel port, and open up its trade to the class of men who figure in this case.

(*c.*) Secondly, we maintain that by the true construction and effect of the regulations of August 28, 1862, the agents of the treasury had no power to permit or license the transportation of property to or from any place in the insurgent territory not *within the military lines of the United States army.* The regulations of March 31, 1863, and those of September 11, 1863, in express terms exclude such places from the licensing power of the treasury agents, which, by intendment of

the earlier regulations of August 28, 1862, had also been so excluded.

It is clear, upon the slightest inspection of the regulations of 1862, that the conditions upon which permits to trade to or from the insurgent States were obtainable, and such trade was prosecutable, could not be complied with in the case of a place occupied by insurgent armies and blockaded by our navy.

REGULATION V required the presentation of an original invoice of the goods to be transported to the licensing officer, and an affidavit of quantities, descriptions, and values, &c.; and REGULATION VI provided that no goods were deliverable within an insurrectionary district, except to persons whose loyalty and good faith should be certified by an officer of the government, or a duly appointed board of trade in such district, by whose approval and permission only the same should be unladen or delivered. Of course no goods could be unladen or disposed of *at* Mobile under the conditions of Regulation VI, as none could be shipped *from* Mobile under the conditions and requirements of Regulation V.

In respect to the issuing of permits for the shipment of merchandise *from* a revolted State, Regulation I imposed, in addition to the requirements of Regulation V, the *further* condition that such permits should not be in violation of existing military orders, restricting shipments by the commandant of the particular departments.

(*d.*) The general doctrine of the law of licenses is, that "to exempt a blockaded port from the restrictions incident to a state of blockade, it must be specially designated with such an exemption in the license; other-

wise a blockaded port shall be taken as an exception to the general description in the license."—(The Byfield, Edw., 190.)

(*e.*) But neither the regulations of August 28, 1862, nor any other series of regulations, contain any warrant for the licensing of *persons*. A general license or permit is not tolerated by the regulations, every one of which contemplates the *specific goods* designated in an original invoice as the sole subject-matter of a license or permit.—(Regulations IV, V, IX, XV.) The document in question is, therefore, void upon its face as a license or permit under the regulations mentioned.

FIFTH. Having no validity under the regulations of the Treasury Department, this pretended license acquired none from any order of the military commandant at New Orleans of the character and to the effect described in the document.

That General Banks could neither empower Mr. Denison to license commercial intercourse with Mobile, nor license such intercourse himself, is a proposition which, it is hoped, is not an open one here or anywhere. It was the duty of that officer, instead of countenancing such traffic as this, to secure the arrest and trial of the parties engaged in it for high crimes under the laws of the country. The order of the Secretary of War, calling the attention of the army to the Treasury Regulations of 1862, expressly requires military officers to break up and destroy all trade conducted in derogation of those regulations.—(Regulations, p. 7.)

SIXTH. Any supposed sanction given by Admiral Farragut to the voyage on which, it is alleged, this

vessel was captured, could not legalize or protect the trade sought to be carried on.

(*a.*) It is plain from the letter of that distinguished officer (Rec., p. 22) that he intended to give no sanction to such trade, nor protection to the parties engaged in it. The order quoted in that letter does not purport to prevent the capture of any vessel or cargo coming out of Mobile; but, on the contrary, expressly requires the capture of the vessels and cargoes therein described.

(*b.*) Admiral Farragut had no authority to restrain the capture of any vessel violating the blockade of Mobile by virtue of his station as commander of the fleet maintaining that blockade. His authority and duty were to maintain the blockade, not to destroy or impair its efficiency. If he had power to protect one ship from capture, he had power to protect all vessels breaking the blockade, and thus to render the naval investment of that port what the claimants and their friends doubtless desired it should be—a nullity.

This court doubted whether the President even had power, in time of war, in his character of commander-in-chief, to instruct privateers to refrain from the capture of certain enemies' vessel, and upheld such instructions only as authorized by an act of Congress.—(The Thomas Gibbons, 8 Cranch, 427, 428.)

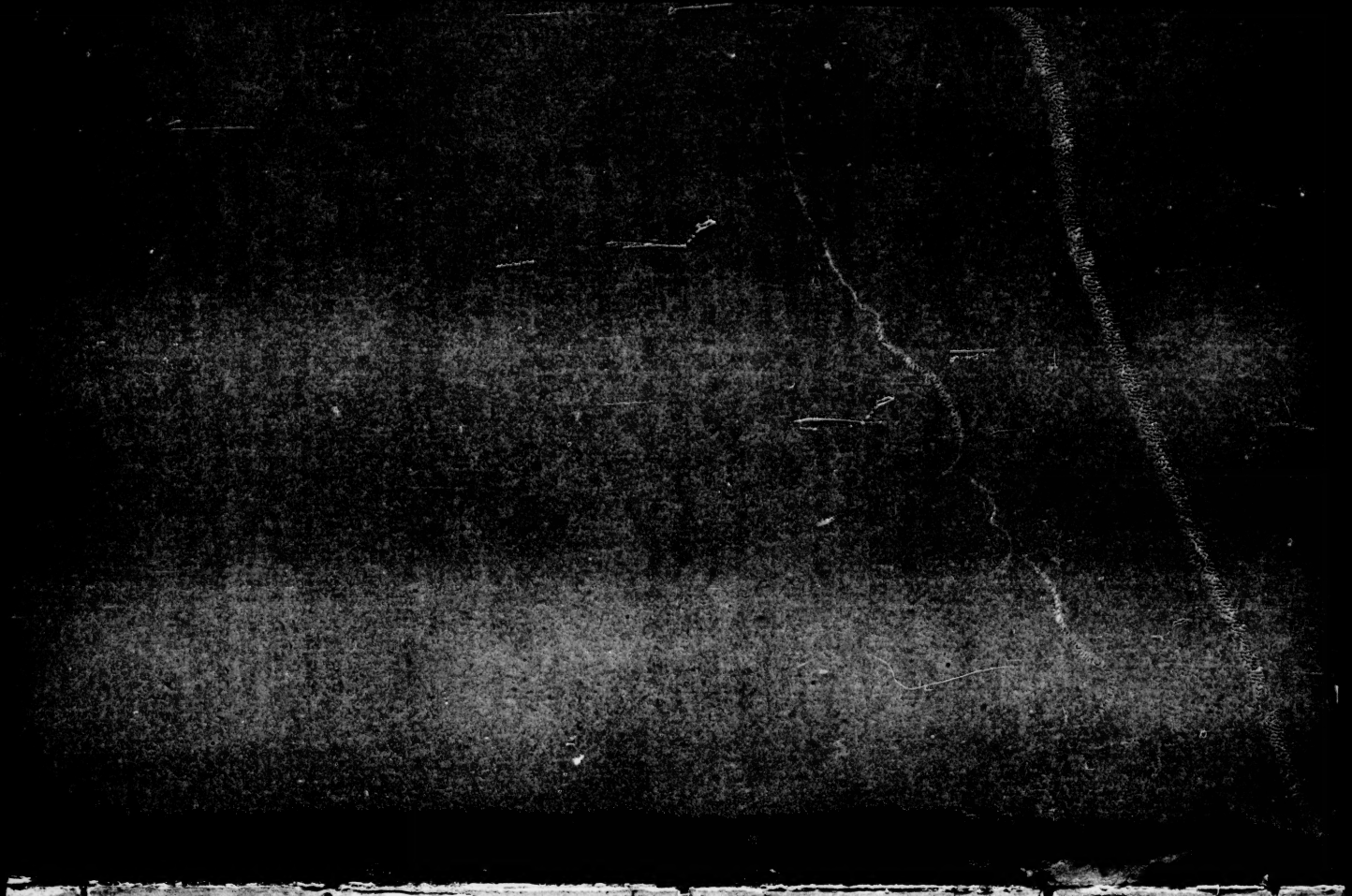
(*c.*) Inasmuch as the trade in question, as described by the claimants, was in direct violation of the act of July 13, 1861, (Sec. 5,) and could only be legalized or licensed by the President of the United States, under the sovereign authority of that statute, it is plain

that no validity or effect whatever could be given to any act of Admiral Farragut, as a license or permission to the claimants to prosecute that trade.—(The Reform, 3 Wallace, 632.) The validity of a license depends on the sufficiency of the authority by which it is granted.—(The Cosmopolite, 4 Rob., 11; the Hope, 1 Dod., 228.)

(*d.*) If the Sea Lion was bound in good faith to New Orleans, she was guilty not only of a breach of the blockade of Mobile, but also, under the proclamation of May 12, 1862, of a violation of the port of destination.—(12 Stats., 1262.) That proclamation required vessels clearing even from northern ports for New Orleans to obtain, after the 1st of June, licenses from the Treasury Department.

SEVENTH. The learned court below was right when it said that neither the special agent of the treasury, nor the military commandant at New Orleans, nor the admiral of the fleet, nor the combined authority of them all, could suspend the operation of the laws of war, and of a solemn statute of the United States in the case of this vessel and cargo, or defeat their liability to condemnation as good and lawful prize.

HENRY STANBERY,
Attorney General.
J. HUBLEY ASHTON,
Assistant Attorney General.



REGULATIONS

PRESCRIBED BY

THE SECRETARY OF THE TREASURY,

CONCERNING

INTERNAL AND COASTWISE INTERCOURSE,

AND THE ACCOMPANYING

ORDERS OF THE SECRETARY OF WAR AND SECRETARY OF THE NAVY;

TO WHICH ARE APPENDED

THE ACTS OF CONGRESS APPROVED JULY 13, 1861, MAY 20, 1862, AND MARCH 12, 1863,

AND

THE PROCLAMATION OF THE PRESIDENT.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1863.

REGULATIONS

CONCERNING

INTERNAL AND COASTWISE COMMERCIAL INTERCOURSE

TREASURY DEPARTMENT,
Washington, March 31, 1863.

The President of the United States, in pursuance of the act of Congress approved July 13, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," having declared that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia, except the forty-eight counties of Virginia designated as West Virginia, and except the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina, are in insurrection against the United States, and that all commercial intercourse between the same and the inhabitants thereof, except as aforesaid, and the citizens of other States and other parts of the United States is unlawful, except as licensed and permitted by the President, and conducted under the regulations of the Secretary of the Treasury, as provided by said act:

Now, therefore, for the purpose of securing the due execution of the said act, and the supplementary act approved May 20, 1862, and for the purpose of safely and properly conducting such commercial intercourse as may be licensed and permitted by the President, pursuant to the provisions of said acts, and also for the purpose of preventing the conveyance of arms and other munitions of war and supplies to persons in insurrection against the United States, the following regulations are hereby prescribed by the Secretary of the Treasury in pursuance of the authority conferred upon him by the said acts.

S. P. CHASE,
Secretary of the Treasury.

REGULATIONS.

SEC. I. No goods, wares, or merchandise, whatever may be the ostensible destination thereof, shall be transported to any place now under the control of insurgents; nor to any place on the south side of the Potomac river; nor to any place on the north side of the Potomac, and south of the Washington and An-

napolis railroad; nor to any place on the eastern shore of the Chesapeake; nor to any place on the south side of the Ohio river below Wheeling, except Louisville; nor to any place on the west side of the Mississippi river below the mouth of the Des Moines, except St. Louis, without a permit of a duly authorized officer of the Treasury Department.

SEC. II. All transportation of coin or bullion to any State or section heretofore declared to be in insurrection is absolutely prohibited, except for military purposes and under military orders, or under the special license of the President. And no payment of gold or silver shall be made for cotton or other merchandise within any such State or section. And all cotton or other merchandise purchased in any such State or section to be paid for therein, directly or indirectly, in gold or silver, or foreign bills of exchange, shall be forfeited to the United States.

SEC. III. No clearance or permit whatsoever will be granted for any shipment to any port or place affected by the existing blockade, except for military purposes, and upon the certificate and request of the Department of War or the Department of the Navy.

SEC. IV. All applications for permits to transport goods or property under these regulations shall state the character and value of the merchandise to be transported, the place from and to which such transportation is to be made, the names of the owner and shipper and consignee thereof, and the number and description of the packages, with the marks thereon.

SEC. V. Every applicant for a permit to transport goods, wares, or merchandise for purposes of trade into or within any place or section named in the first section of these regulations, shall present with his application the original invoices of the goods, wares, and merchandise to be transported, and shall make and file with the officer granting the permit an affidavit that the names of the owners, the quantities, descriptions and values of the merchandise are correctly stated in said invoices, true copies of which shall be annexed to and filed with the affidavit; and that the marks on the packages are correctly stated in the application, and that the packages contain nothing except as stated in the invoices; that the merchandise so permitted shall not, nor shall any part thereof, be disposed of by him or by his authority, connivance, or assent, in violation of the terms of the permit, and that neither the permit so granted nor the merchandise to be transported shall be so used or disposed of by him or by his authority, connivance, or assent, as in any way to give aid, comfort, information, or encouragement to persons in insurrection against the United States. And furthermore, that the applicant is loyal to the government of the United States and will in all things so deport himself.

SEC. VI. Whenever commercial intercourse with any part or section of a State heretofore declared in insurrection is permitted by the Secretary of the Treasury, under the license of the President, in pursuance of the said act, approved July 13, 1861, notice thereof and of the conditions under which the same may be conducted shall be published in such papers as the Secretary may think expedient, in order to the general information of parties interested.

SEC. VII. After commercial intercourse with any part or section of an insurrectionary State has been permitted as aforesaid, permits to transport to or from any place therein, or to purchase or sell in any place therein for use in any other place, shall be granted only by such persons as shall be specially authorized by the Secretary of the Treasury after the date hereof. And no permit shall be granted by any such person to transport to or from, or to purchase or sell in any place or section whatever not within the military lines of the United States army.

SEC. VIII. Every permit to purchase cotton, tobacco, or other merchandise within any place or section in a State heretofore declared in insurrection, after commercial intercourse therewith shall have been permitted by the Secretary of

the Treasury, under the license of the President as aforesaid, and every permi to transport the same thereto, therein, or therefrom, shall clearly define the character and quantity of the merchandise so permitted to be sold, purchased or transported, and the place or section within which the same may be purchased or sold, and to and from which the same may be transported.

SEC. IX. A fee of twenty cents will be charged for each permit granted for purposes of trade under these regulations; and, in addition thereto, the following fees shall be collected, viz: for a permit to purchase or sell cotton or tobacco within any place or section in a State heretofore declared in insurrection, commercial intercourse with which has been permitted by the Secretary of the Treasury, under the license of the President as aforesaid, and to transport the same therefrom to any place in the loyal States, fifteen dollars per bale of cotton, and two dollars per hogshead of tobacco; and for a permit to transport any other goods and chattels, wares and merchandise, designed for sale, except supplies for officers and soldiers shipped by sutlers, to or from any such place or section in an insurrectionary State, five per centum upon the sworn invoice value thereof at the place of shipment.

SEC. X. Every officer authorized by the Secretary of the Treasury to grant permits under these regulations shall keep in his office a record of all his transactions under such authority, and especially he shall keep a record of every permit granted by him, showing the names of the owner, shipper, and consignee, the places from and to which each transportation is permitted, the character and invoice value of the merchandise permitted to be transported, and the fees received therefor, an abstract statement of which, together with the names and compensation of all aids to the revenue reporting to him, shall be given to the proper supervising special agent of the Treasury Department on the first of every month.

SEC. XI. No permit shall be granted to purchase or sell cotton, tobacco, or other goods, wares or merchandise, designed for trade within any place or section aforesaid, nor to transport the same therein, thereto, or therefrom, except to persons who shall, before receiving such permit, make affidavit that they are in all respects loyal and true to the government of the United States, and that they have never voluntarily given aid to the rebels in arms, nor in any other manner encouraged the rebellion; and that they will at all times, by their conduct and conversation, and by every other means they can properly use, do all that should be expected of them as loyal citizens to suppress the rebellion and restore obedience to the Constitution and laws of the United States.

SEC. XII. Collectors or surveyors of customs, before granting clearances, may require bond, with reasonable surety, in such cases as they shall think necessary, to protect the public interests, conditioned that there shall be no violation of the terms or spirit of the clearance, or of the averments of the affidavit upon which the same is granted.

SEC. XIII. No permit shall be granted to ship intoxicating drinks, or other thing prohibited by the military authorities, into territory occupied by the military forces of the United States, except upon the written request of the commander of the department in which such territory is embraced, or of some person duly authorized by him to make such request.

SEC. XIV. No vessel, boat, or vehicle used for transportation upon or south of the Potomac river, or north of the Potomac and south of the Washington and Annapolis railroad, or to the eastern shore of the Chesapeake, or southwardly on or from the Ohio river below Wheeling, or westwardly or southwardly on or from the Mississippi river below the mouth of the Des Moines, or on or from the Missippi river in any direction below the mouth of the Ohio, shall receive on board any goods, wares, or merchandise destined to any place, commercial intercourse with which now is, or hereafter may be, restricted as aforesaid, unless the same be accompanied with a permit of a duly authorized

officer of the Treasury Department, except as hereinafter provided in regulation number XVIII.

SEC. XV. No vessel, boat, or other vehicle used for transportation from any place in the loyal States, shall carry goods, wares, or merchandise, into any place, section, or State, restricted as aforesaid, without the permit of a duly authorized officer of the Treasury Department, application for which permit may be made to such authorized officer near the point of destination as may suit the convenience of the shipper.

SEC. XVI. No vessel, boat, or other vehicle used for transportation shall put off any goods, wares, or merchandise, at any place other than that named in the permit as the place of destination.

SEC. XVII. Before any boat or vessel running on any of the western waters south of Louisville or St. Louis, or other waters within or adjacent to any State or section, commercial intercourse with which now is or may hereafter be restricted as aforesaid, shall depart from any port where there is a collector or surveyor of customs, there shall be exhibited to the collector or surveyor, or such other officer as may be authorized to act in his stead, a true manifest of its entire cargo and a clearance obtained to proceed on its voyage; and when freights are received on board at a place where there is no collector or surveyor, as hereinafter provided in section XVIII, then the same exhibit shall be made and clearance obtained at the first port to be passed where there is such an officer, and such vessel or boat shall be reported and the manifest of its cargo exhibited to the collector or surveyor of every port to be passed on the trip where there is such an officer; but no new clearance shall be necessary unless additional freights shall have been taken on board after the last clearance. Immediately on arriving at the port of final destination, and before discharging any part of its cargo, the manifest shall be exhibited to the surveyor of such port, or other officer authorized to act in his stead, whose approval for landing the cargo shall be indorsed on the manifest before any part thereof shall be discharged; and the clearance and shipping permits of all such vessels and boats shall be exhibited to the officer in command of any naval vessel or military post whenever such officer may require it.

SEC. XVIII. To facilitate trade and guard against improper transportation, "aids to the revenue" will be appointed from time to time on cars, vessels, and boats, when desired by owners, agents, or masters thereof, which aids will have free carriage on the respective cars, vessels, and boats on which they are placed, and will allow proper way freights to be taken on board without permit, keeping a statement thereof, and reporting the same to the first officer to be passed on the trip who is authorized to grant the permit desired, from whom a permit therefor must be obtained, or the goods shall be returned to the shipper under his direction. No permit will be granted for transportation into or within any insurrectionary State or district, except on cars, vessels, and boats carrying such aids.

SEC. XIX. Supervising special agents of the Treasury Department will be appointed by the Secretary of the Treasury to supervise within designated limits the execution of these regulations, and to make such local rules and restrictions, not inconsistent with them, as may be proper for that purpose, and to change the same from time to time, and temporarily suspend or qualify the authority to grant permits, as the public interests may require, subject to the approval of the Secretary of the Treasury; and all permits and clearances authorized under these regulations will be granted only in compliance with such local rules and restrictions as may be approved as aforesaid.

SEC. XX. Boards of trade will be appointed by the Secretary of the Treasury, at such places as he may think necessary, to aid in the due enforcement of these regulations, and in properly conducting such commercial intercourse between the inhabitants of States declared in insurrection and the citizens of other

States and other parts of the United States, as may be permitted under the license of the President.

SEC. XXI. All vessels, boats, and other vehicles used for transportation, violating any of the above regulations, or any of the local rules and restrictions made by a supervising special agent, with the approval of the Secretary of the Treasury, and all cotton, tobacco, or other merchandise shipped or transported or purchased or sold in violation thereof will be forfeited to the United States. If any false statement be made or deception practiced in obtaining a permit, such permit and all others connected therewith or affected thereby will be absolutely void, and all merchandise shipped under them shall be forfeited to the United States. In all cases of forfeiture, as aforesaid, immediate seizure will be made and proceedings instituted promptly for condemnation. The attention of all officers of the government, common carriers, shippers, consignees, owners, masters, agents, drivers, and other persons connected with the transportation of merchandise, or trading therein, is particularly directed to the acts of July 13, 1861, and May 20, 1862, above referred to, and March 12, 1863, and these regulations for executing the same.

SEC. XXII. Transportation of supplies belonging to or contracted for by the United States, designed for the military or naval forces thereof and moving under military or naval orders, is excepted from the effect of these regulations; but this exception does not extend to sutlers' goods or others designed for sale at military posts or camps.

SEC. XXIII. When any collector, surveyor, special agent, or board of trade, charged with the execution of these regulations and the laws authorizing them, shall find within his or their proper limits any goods, wares, or merchandise, which, in his or their opinion, are in danger of being transported to insurgents, he or they may, require the owner or holder thereof to give reasonable security that they shall not be transported to any place under insurrectionary control, and shall not in any way be used to give aid or encouragement to the insurgents.

If the required security be not given, such officer or officers shall promptly state the facts to the United States marshal for the district within which such goods are situated, or, if beyond the jurisdiction of a United States marshal, then to the commander of the nearest military post, whose duty it shall be to take possession thereof, and hold them for safe-keeping, reporting the facts promptly to the Secretary of the Treasury, and awaiting instructions.

SEC. XXIV. Where ports heretofore blockaded have been opened by the proclamation of the President, licenses will be granted, by United States consuls, on application by the proper parties, to vessels clearing from foreign ports to the ports so opened, upon satisfactory evidence that the vessel so licensed will convey no person, property, or information contraband of war, either to or from said ports, which license shall be shown to the collector of the port to which the vessel is bound, and, if required, to any officer in charge of the blockade. And on leaving any port so opened, the vessel must have a clearance from the collector, according to law, showing no violation of the conditions of the license. Any violation of the conditions will involve the forfeiture and condemnation of the vessel and cargo, and the exclusion of all parties concerned from entering the United States for any purpose during the war.

SEC. XXV. United States vessels clearing from domestic ports to any of the ports so opened will apply to the custom-house officers of the proper ports, in the usual manner, for licenses or clearances under the regulations heretofore established.

SEC. XXVI. These regulations shall supersede those of August 28, 1862, and all others conflicting herewith, affecting commercial intercourse with insurrectionary States, and no permits will be hereafter granted by any officer of the Treasury Department, except in pursuance hereof, and of the local rules and restrictions aforesaid, and by virtue of authority hereafter given by the Secretary of the Treasury.

General Orders No. 88.]

WAR DEPARTMENT, *Washington, March* 31, 1863.

For the purpose of more effectually preventing all commercial intercourse with insurrectionary States, except such as shall be authorized in pursuance of law, and of securing consistent, uniform, and efficient action in conducting such intercourse as shall be so authorized, and for the purpose of carrying out the provisions of an act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary States," approved March 12, 1863, it is hereby ordered—

I.

That no officer of the army of the United States nor other person connected therewith shall authorize or have any interest in the transportation of any goods, wares, or merchandise (except supplies belonging to or contracted for by the United States, designed for the military or naval forces thereof, and moving under military or naval orders, and except, also, sutlers' supplies and other things necessary for the use and comfort of the troops of the United States and moving under permits of the authorized officers of the Treasury Department) into any State declared by the President to be in insurrection; nor authorize nor have any interest in the purchase or sale therein of any goods or chattels, wares or merchandise, cotton, tobacco, or other product of the soil thereof; nor the transportation of the same, except as aforesaid, therefrom or therein; nor shall any such officer or person authorize, prohibit, or in any manner interfere with any such purchase or sale or transportation, which shall be conducted under the regulations of the Secretary of the Treasury, unless under some imperative military necessity, in the place or section where the same shall be conducted, or unless requested by an agent or some other authorized officer of the Treasury Department, in which case all commanders of military departments, districts, and posts will render such aid in carrying out the provisions of the said act, and in enforcing due observance of the said regulations of the Secretary of the Treasury, as can be given without manifest injury to the public service.

II.

It is further ordered that every officer or private, or person employed in or with the regular or volunteer forces of the United States, who may receive or have under his control any property which shall have been abandoned by the owner or owners, or captured in any district declared to be in insurrection against the United States, including all property seized under military orders, excepting only such as shall be required for military use of the United States forces, shall promptly turn over all such property to the agent appointed by the Secretary of the Treasury to receive the same, who shall give duplicate receipts therefor.

And every such officer or private, or person employed in or with the regular or volunteer forces of the United States, shall also promptly turn over to such agent, in like manner, all receipts, bills of lading, and other papers, documents, and vouchers showing title to such property, or the right to the possession, control, or direction thereof; and he shall make such order, indorsement, or writing as he has power to make, to enable such agent to take possession of such property or the proceeds thereof. Arms, munitions of war, forage, horses, mules, wagons, beef cattle, and supplies which are necessary in military operations, shall be turned over to the proper officers of the ordnance, or of the quartermaster, or of the commissary departments, respectively, for the use of the army. All other

property abandoned or captured or seized, as aforesaid, shall be delivered to the agent appointed by the Secretary of the Treasury.

The officer receiving or turning over such property shall give the usual and necessary invoices, receipts, or vouchers therefor, and shall make regular returns thereof, as prescribed by the army regulations. The receipts of the agents of the Treasury Department shall be vouchers for all property delivered to them, and whenever called upon by the agent of the Treasury Department authorized to receive such abandoned or captured or seized property, as aforesaid, or the proceeds thereof, all persons employed in the military service will give him full information in regard thereto; and if requested by him so to do, they shall give him duplicates or copies of the reports and returns thereof, and of the receipts, invoices, and vouchers therefor.

And every officer of the army of the United States, hereafter receiving abandoned or captured or seized property, or the proceeds thereof, or under whose order it may be applied to the use of the military forces, as aforesaid, shall, upon request of a duly authorized agent of the Treasury Department, render a written report, with invoices thereof, to said agent, in which he will specify the arms, supplies, or other munitions of war, retained for the use of the military forces, as aforesaid, and also, separately, the property turned over to said agent, or which may have been sold or otherwise disposed of.

And in case a sale of any such property shall be made under his authority, or under the authority of any one subject to his order, he will so state, and will describe the property so sold, and will state when and where and by and to whom sold, and the amount received therefor, and what disposition was made of the proceeds.

And all officers of the army of the United States will at all times render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to take possession of and transport all such property, so far as can be done without manifest injury to the public service.

III.

All commanders of military departments, districts, and posts, will, upon receipt of this order revoke all existing orders within their respective commands conflicting or inconsistent herewith, or which permit or prohibit or in any manner interfere with any trade or transportation conducted under the regulations of the Secretary of the Treasury; and their attention is particularly directed to said regulations, prescribed March 31, 1863, and they will respectively make such orders as will insure strict observance of this order throughout their respective commands.

All expenses of transporting property herein referred to will be reported by the officers of the quartermaster's department, who furnish such transportation, to the agents of the Treasury Department, and also, through the ordinary channels, to the quartermaster general at Washington, in order that the said expenses may be reimbursed from the proceeds of sales of such transported property.

EDWIN M. STANTON,
Secretary of War.

NAVY DEPARTMENT, *Washington, March* 31, 1863.

For the purpose of more effectually preventing all commercial intercourse with insurrectionary States, except such as shall be authorized in pursuance of law, and of securing consistent, uniform, and efficient action in conducting such intercourse as shall be so authorized, and for the purpose of carrying out the provisions of an act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary States," approved March 12, 1863, it is hereby ordered—

I.

That no officer of the navy of the United States, nor other person connected therewith, shall authorize, or have any interest in, the transportation of any goods, wares, or merchandise (except supplies belonging to, or contracted for by, the United States, designed for the military or naval forces thereof, and moving under military or naval orders, and except also sutlers' supplies and other things necessary for the use and comfort of the naval forces of the United States, and moving under permits of the authorized officers of the Treasury Department) into any State declared by the President to be in insurrection; nor authorize nor have any interest in the purchase or sale therein of any goods or chattels, wares or merchandise, cotton, tobacco, or other products of the soil thereof; nor the transportation of the same, except as aforesaid, therefrom or therein; nor shall any such officer or person authorize, prohibit, or in any manner interfere with any such purchase or sale or transportation which shall be conducted under the regulations of the Secretary of the Treasury, unless under some imperative military necessity in the place or section where the same shall be conducted, or unless requested by an agent or some other authorized officer of the Treasury Department, in which case all officers of the navy of the United States and other persons connected therewith will render such aid in carrying out the provisions of the said act and of the law, and in enforcing due observance of the said regulations of the Secretary of the Treasury as can be given without manifest injury to the public service.

II.

It is further ordered that every officer, sailor, or marine in the naval service of the United States who shall receive or have under his control any property which shall have been abandoned by the owner or owners, or captured in any district declared to be in insurrection against the United States, including all property seized in any such district, under naval orders, excepting only such as shall be required for the use of the naval forces of the United States, shall promptly turn over all such property to the agent appointed by the Secretary of the Treasury to receive the same, who shall give receipts therefor, if desired.

And every such officer, sailor, or marine shall also turn over to such agent in like manner all receipts, bills of lading, and other papers, documents, and vouchers showing title to such property, or the right to the possession, control, or direction thereof; and he shall make such order, indorsement, or writing as he has power to make to enable such agent to take possession of such property, or the proceeds thereof. Arms, munitions of war, forage, horses, mules, wagons, beef cattle, and supplies which are necessary in naval operations, shall be turned over to the proper officers for the use of the navy. All other property abandoned, captured, or seized, as aforesaid, shall be delivered to the said agent of the Treasury Department.

The officer receiving or turning over such property shall give the usual and necessary invoices, receipts or vouchers therefor, and shall make regular returns thereof as prescribed by the navy regulations. The receipts of the agents of the Treasury Department shall be vouchers for all property delivered to them. And whenever called upon by the said agent of the Treasury Department authorized to receive such abandoned, or captured, or seized property, as aforesaid, or the proceeds thereof, all persons employed in the naval service of the United States will give him full information in regard thereto, and if requested by him so to do, they shall give him duplicates or copies of the reports and returns thereof, and of the receipts, invoices, and vouchers therefor.

And every officer of the navy of the United States hereafter receiving abandoned, or captured, or seized property in any insurrectionary State as aforesaid, or the proceeds thereof, or under whose order it may be applied to the use of the naval forces as aforesaid, shall, upon request of an agent appointed by the Secretary of the Treasury as aforesaid, render a written report, with invoices thereof, to said agent, in which he will specify the arms, supplies, or other munitions of war retained for use of the naval forces, as aforesaid, and also, separately, the property turned over to said agent, or which may have been sold or otherwise disposed of. And in case a sale of any such property shall be made under his authority, or under the authority of any one subject to his order, he will so state, and will describe the property so sold, and will state when and where, and by and to whom sold, and the amount received therefor, and what disposition was made of the proceeds.

And all officers of the navy of the United States will, at all times, render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to take possession of any abandoned, or captured, or seized property aforesaid, and in transporting the same, so far as can be done without manifest injury to the public service.

All expenses of transporting property herein referred to will be reported by the officers who furnish the transportation to the agent of the Treasury Department, and also, through the proper channels, to the Navy Department at Washington, in order that the expenses may be reimbursed from the proceeds of sales of such transported property.

III.

All naval officers in command of squadrons, vessels, or stations will, upon receipt of this order, revoke all existing orders throughout their respective commands conflicting or inconsistent herewith, or which permit, or prohibit, or in any manner interfere with any trade or transportation conducted under the regulations of the Secretary of the Treasury; and their attention is particularly directed to said regulations, prescribed March 31, 1863, and they will respectively make such orders as will insure strict observance of this order throughout their respective commands.

GIDEON WELLES,
Secretary of the Navy.

AN ACT

Further to provide for the collection of duties on imports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted*, That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district of the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And provided, further*, That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted*, That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary, for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof

SEC. 4. *And be it further enacted*, That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing section of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry, shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted*, That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States: *Provided, however*, That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers, at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted*, That, from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted*, That, in the execution of the provisions of this act, and of the other laws of the United States providing for the collection

of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted, in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

Approved July 13, 1861.

AN ACT

Supplementary to an act approved on the thirteenth July, eighteen hundred and sixty-one, entitled "An act to provide for the collection of duties on imports, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, in addition to the powers conferred upon him by the act of the thirteenth July, eighteen hundred and sixty-one, be, and he is hereby, authorized to refuse a clearance to any vessel or other vehicle laden with goods, wares, or merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such goods, wares, or merchandise, or any part thereof, whatever may be their ostensible destination, are intended for ports or places in possession or under control of insurgents against the United States; and if any vessel or other vehicle for which a clearance or permit shall have been refused by the Secretary of the Treasury, or by his order, as aforesaid, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel or other vehicle, with her tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 2. *And be it further enacted*, That whenever a permit or clearance is granted, for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he shall deem it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the said cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, further empowered to prohibit and prevent the transportation in any vessel or upon any railroad, turnpike, or other road or means of transportation within the United States, of any goods, wares, or merchandise, of whatever character, and whatever may be the ostensible destination of the same, in all cases where there shall be satisfactory reasons to believe that such goods, wares, or merchandise are intended for any place in the possession or under the control of insurgents against the United States; or that there is imminent danger that such goods, wares, or merchandise will fall into the possession or

under the control of such insurgents; and he is further authorized, in all cases where he shall deem it expedient so to do, to require reasonable security to be given that goods, wares, or merchandise shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this act; and if any goods, wares, or merchandise shall be transported in violation of this act, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport them, all goods, wares, or merchandise so transported or attempted to be transported shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, That the proceedings for the penalties and forfeitures accruing under this act may be pursued, and the same may be mitigated or remitted by the Secretary of the Treasury in the modes prescribed by the eighth and ninth sections of the act of July thirteenth, eighteen hundred and sixty-one, to which this act is supplementary.

SEC. 5. *And be it further enacted*, That the proceeds of all penalties and forfeitures incurred under this act, or the act to which this is supplementary, shall be distributed in the manner provided by the ninety-first section of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage."

Approved May 20, 1862.

AN ACT

To provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Secretary of the Treasury, from and after the passage of this act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States, designated as in insurrection against the lawful government of the United States by the proclamation of the President of July first, eighteen hundred and sixty-two: *Provided*, That such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war.

SEC. 2. *And be it further enacted*, That any part of the goods or property received or collected by such agent or agents may be appropriated to public use on due appraisement and certificate thereof, or forwarded to any place of sale within the loyal States, as the public interests may require; and all sales of such property shall be at auction to the highest bidder, and the proceeds thereof shall be paid into the Treasury of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may require the special agents appointed under this act to give a bond with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in

the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof.

SEC. 4. *And be it further enacted*, That all property coming into any of the United States not declared in insurrection as aforesaid, from within any of the States declared in insurrection, through or by any other person than any agent duly appointed under the provisions of this act, or under a lawful clearance by the proper officer of the Treasury Department, shall be confiscated to the use of the government of the United States. And the proceedings for the condemnation and sale of any such property shall be instituted and conducted under the direction of the Secretary of the Treasury, in the mode prescribed by the eighty-ninth and ninetieth sections of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage." And any agent or agents, person or persons, by or through whom such property shall come within the lines of the United States unlawfully, as aforesaid, shall be judged guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisoned for any time not exceeding one year, or both, at the discretion of the court. And the fines, penalties, and forfeitures accruing under this act may be mitigated or remitted in the mode prescribed by the act of March three, seventeen hundred and ninety-seven, or in such manner, in special cases, as the Secretary of the Treasury may prescribe.

SEC. 5. *And be it further enacted*, That the fifth section of the "Act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, eighteen hundred and sixty-two, shall be so construed as to allow the temporary officers which have been or may be appointed at ports which have been or may be opened or established in States declared to be in insurrection by the proclamation of the President on the first of July, eighteen hundred and sixty-two, the same compensation which by law is allowed to permanent officers of the same position, or the ordinary compensation of special agents, as the Secretary of the Treasury may determine.

SEC. 6. *And be it further enacted*, That it shall be the duty of every officer or private of the regular or volunteer forces of the United States, or any officer, sailor, or marine in the naval service of the United States upon the inland waters of the United States, who may take or receive any such abandoned property, or cotton, sugar, rice, or tobacco, from persons in such insurrectionary districts, or have it under his control, to turn the same over to an agent appointed as aforesaid, who shall give a receipt therefor; and in case he shall refuse or neglect so to do, he shall be tried by a court-martial and shall be dismissed from the service, or, if an officer, reduced to the ranks, or suffer such other punishment as said court shall order, with the approval of the President of the United States.

SEC. 7. *And be it further enacted*, That none of the provisions of this act shall apply to any lawful maritime prize by the naval forces of the United States.

Approved March 12, 1863.

By the President of the United States of America.

A PROCLAMATION.

Whereas in pursuance of the act of Congress approved July 13, 1861, I did, by proclamation, dated August 16, 1861, declare that the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of Virginia lying west of the Alleghany mountains, and of such other parts of that State, and the other States hereinbefore named, as might maintain a loyal adhesion to the Union and the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of said insurgents) were in a state of insurrection against the United States, and that all commercial intercourse between the same and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States, was unlawful, and would remain unlawful until such insurrection should cease or be suppressed, and that all goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, without the license and permission of the President, through the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same to or from said States, with the exceptions aforesaid, would be forfeited to the United States;

And whereas experience has shown that the exceptions made in and by said proclamation embarrass the due enforcement of said act of July 13, 1861, and the proper regulation of the commercial intercourse authorized by said act with the loyal citizens of said States:

Now therefore I, Abraham Lincoln, President of the United States, do hereby revoke the said exceptions, and declare that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and except, also, the ports of New Orleans, Key West, Port Royal, and Beaufort in North Carolina) are in a state of insurrection against the United States, and that all commercial intercourse, not licensed and conducted as provided in said act, between the said States and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by proclamation; and all cotton, tobacco, and other products, and all other goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, or proceeding to any of said States, with the exceptions aforesaid, without the license and permission of the President, through the Secretary of the Treasury, will, together with the vessel or vehicle conveying the same, be forfeited to the United States.

In witness whereof I have hereunto set my hand and caused the seal of the [L. S.] United States to be affixed. Done at the city of Washington, this thirty-first day of March, A. D. 1863, and of the independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

REGULATIONS

CONCERNING

INTERNAL AND COASTWISE INTERCOURSE,

TO WHICH IS APPENDED

THE ACCOMPANYING LETTERS OF THE SECRETARY OF WAR AND THE SECRETARY OF THE NAVY.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1862.

ACT OF CONGRESS JULY 13, 1861, AND AN ACT SUPPLEMENTARY THERETO, MAY 2, 1862.

REGULATIONS

CONCERNING

INTERNAL AND COASTWISE COMMERCIAL INTERCOURSE.

TREASURY DEPARTMENT, *August* 28, 1862.

In pursuance of law, and by virtue of the authority conferred upon the Secretary of the Treasury by the act of Congress approved July 13, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," and an act supplementary thereto, approved May 20, 1862, and for the purpose of preventing the conveyance of arms, munitions of war, and other supplies to persons in insurrection against the United States, the following regulations concerning commercial intercourse with insurrectionary States and sections are prescribed.

S. P. CHASE,
Secretary of the Treasury.

I. No goods, wares, or merchandise, whatever may be the ostensible destination thereof, shall be transported to any place now under the control of insurgents; nor to any place on the south side of the Potomac river; nor to any place on the north side of the Potomac, and south of the Washington and Annapolis railroad; nor to any place on the eastern shore of the Chesapeake; nor to any place on the south side of the Ohio river below Wheeling, except Louisville; nor to any place on the west side of the Mississippi river below the mouth of the Des Moines, except St. Louis, without a permit of a duly authorized officer of the Treasury Department. And the special agents of this department may temporarily extend these restrictions to such other places in their respective districts, and make such local rules to be observed therein as may from time to time become necessary, promptly reporting their action to the Secretary of the Treasury for his sanction or disapproval.

II. All transportation of coin or bullion to any State or section heretofore declared to be in insurrection, is absolutely prohibited, except for military purposes and under military orders, or under the special license of the Secretary of the Treasury. And no payment of gold or silver shall be made for cotton or other merchandise within any such State or section. And all cotton or other merchandise purchased or

paid for therein, directly or indirectly, in gold or silver, shall be forfeited to the United States.

III. No clearance or permit whatsoever will be granted for any shipment to any port, place, or section affected by the existing blockade, except for military purposes, and upon the certificate and request of the Department of War or the Department of the Navy.

IV. All applications for permits to transport or trade under these regulations shall state the character and value of the merchandise to be transported, the consignee and destination thereof, with the route of transportation and the number and description of the packages with the marks thereon.

V. Every applicant for such permits shall present with his application the original invoices of the goods, wares, and merchandise to be transported, and shall make and file with the officer granting the permit an affidavit that the quantities, descriptions, and values are correctly stated in said invoices, true copies of which shall be annexed to and filed with the affidavit; and that the packages contain nothing except as stated in the invoices; that the merchandise so permitted shall not, nor shall any part thereof, be disposed of by him or by his authority, connivance, or assent, in violation of the terms of the permit, and that neither the permit so granted, nor the merchandise to be transported shall be so used or disposed of by him or by his authority, connivance or assent, as in any way to give aid, comfort, information, or encouragement to persons in insurrection against the United States. And furthermore, that the applicant is loyal to the government of the United States and will in all things so deport himself.

VI. No permit shall be granted to ship goods, wares, or merchandise *to* States or parts of States heretofore declared to be in insurrection, or to places under insurrectionary control, or occupied by the military forces of the United States, except to persons residing or doing business therein whose loyalty and good faith shall be certified by an officer of the government or other person duly authorized to make such certificate, or by a duly appointed Board of Trade therein, by whose approval and permission only the same shall be unladed or disposed of. And no permit shall be granted to ship merchandise *from* any such State or part of State in violation of any order restricting shipments therefrom, made for military purposes by the commandant of the *department* from which such shipment is to be made.

VII. Collectors or surveyors of customs, before granting clearances or permits, may require bond, with reasonable surety, in such cases as they shall think necessary, to protect the public interests, conditioned that there shall be no violation of the terms or spirit of the clearance or permit, or of the averments of the affidavit upon which the same is granted.

VIII. No permit shall be granted to ship intoxicating drinks, or other thing prohibited by the military authorities, into territory occupied by the military forces of the United States, except upon the written request of the commandant of the *department* in which

such territory is embraced, or of some person duly authorized by him to make such request.

IX. In order to defray the expenses under these regulations, a fee of twenty cents will be charged for each permit granted; and shipments permitted to and from States heretofore declared to be in insurrection shall, in addition thereto, be charged with the following fees, viz: Five cents on each one hundred dollars over three hundred dollars on all shipments *to* such States or sections; fifty cents on each one thousand pounds of cotton, and twenty-five cents on each one thousand pounds of sugar permitted *from* such State.

X. No vessel, boat, or vehicle used for transportation upon or south of the Potomac river, or north of the Potomac and south of the Washington and Annapolis railroad, or to the eastern shore of the Chesapeake, or southwardly on or from the Ohio river below Wheeling, or westwardly or southwardly on or from the Mississippi river below the mouth of the Des Moines, shall receive on board any goods, wares, or merchandise destined to any place, commercial intercourse with which now is or hereafter may be restricted as aforesaid, unless the same be accompanied with a permit of a duly authorized officer of the Treasury Department, except as hereinafter provided in regulation number XIV.

XI. No vessel, boat, or other vehicle used for transportation from eastern cities, or elsewhere in the loyal States, shall carry goods, wares, or merchandise into any place, section, or State restricted as aforesaid, without the permit of the duly authorized officer of the customs, application for which permit may be made to such authorized officer near the point of destination as may suit the convenience of the shipper.

XII. No vessel, boat, or other vehicle used for transportation shall put off any goods, wares, or merchandise at any place other than that named in the permit as the place of destination.

XIII. Before any boat or vessel running on any of the western waters south of Louisville or St. Louis, or other waters within or adjacent to any State or section, commercial intercourse with which now is or may hereafter be restricted as aforesaid, shall depart from any port where there is a collector or surveyor of customs, there shall be exhibited to the collector or surveyor, or such other officer as may be authorized to act in his stead, a true manifest of its entire cargo and a clearance obtained to proceed on its voyage; and when freights are received on board at a place where there is no collector or surveyor, as hereinafter provided in regulation XIV, then the same exhibit shall be made and clearance obtained at the first port to be passed where there is such an officer, and such vessel or boat shall be reported and the manifest of its cargo exhibited to the collector or surveyor of every port to be passed on the trip where there is such an officer; but no new clearance shall be necessary unless additional freights shall have been taken on board after the last clearance. Immediately on arriving at the port of final destination, and before discharging any part of its cargo, the manifest shall be exhibited to the surveyor of such port, or other officer authorized to

act in his stead, whose approval for landing the cargo shall be indorsed on the manifest before any part thereof shall be discharged; and the clearance and shipping permits of all such vessels and boats shall be exhibited to the officer in command of any naval vessel or military post whenever such officer may require it.

XIV. To facilitate trade and guard against improper transportation, "aids to the revenue" will be appointed from time to time on cars, vessels, and boats, when desired by owners, agents, or masters thereof, which aids will have free carriage on the respective cars, vessels, and boats on which they are placed, and will allow proper way freights to be taken on board without permit, keeping a statement thereof, and reporting the same to the collector or surveyor of the first port to be passed on the trip where there is such an officer, from whom a permit therefor must be obtained, or the goods returned under his direction. No permit will be granted for transportation into any insurrectionary State or district, except on cars, vessels, and boats carrying such aids.

XV. All vessels, boats, and other vehicles used for transportation, violating any of the above regulations, and all goods, wares, and merchandise shipped or transported in violation thereof, will be forfeited to the United States. If any false statement be made or deception practiced in obtaining a permit, such permit and all others connected therewith or affected thereby will be absolutely void, and all merchandise shipped thereunder shall be forfeited to the United States. In all cases of forfeiture, as aforesaid, immediate seizure will be made and proceedings instituted promptly for condemnation. The attention of all officers of the government, common carriers, shippers, consignees, owners, masters, agents, drivers, and other persons connected with the transportation of merchandise or trading therein, is particularly directed to the acts of July 13, 1861, and May 20, 1862, above referred to.

XVI. All army supplies transported under military orders are excepted from the above regulations. But this exception does not extend to sutlers' goods or others designed for sale at military posts or camps.

XVII. When any officer of the customs shall find in his district any goods, wares, or merchandise, which, in his opinion, are in danger of being transported to insurgents, he may, if he thinks it expedient, require the owner or holder thereof to give reasonable security that they shall not be transported to any place under insurrectionary control, and shall not in any way be used to give aid or encouragement to the insurgents.

If the required security be not given, such officer shall promptly state the facts to the United States marshal for the district within which such goods are situated, or, if beyond the jurisdiction of a United States marshal, then to the commandant of the nearest military post, whose duty it shall be to take possession thereof, and hold them for safe-keeping, reporting the facts promptly to the Secretary of the Treasury, and awaiting instructions.

XVIII. Where ports heretofore blockaded have been opened by

the proclamation of the President, licenses will be granted, by United States consuls, on application by the proper parties, to vessels clearing from foreign ports to the ports so opened, upon satisfactory evidence that the vessel so licensed will convey no person, property, or information contraband of war, either to or from said ports, which license shall be shown to the collector of the port to which the vessel is bound, and, if required, to any officer in charge of the blockade. And on leaving any port so opened, the vessel must have a clearance from the collector, according to law, showing no violation of the conditions of the license. Any violation of the conditions will involve the forfeiture and condemnation of the vessel and cargo, and the exclusion of all parties concerned from entering the United States for any purpose during the war.

XIX. United States vessels clearing from domestic ports to any of the ports so opened, will apply to the custom-house officers of the proper ports, in the usual manner, for licenses or clearances under the regulations heretofore established.

WAR DEPARTMENT,
Washington City, August 28, 1862.

The attention of all officers and others connected with the army of the United States is called to the regulations of the Secretary of the Treasury concerning commercial intercourse with insurrectionary States or sections, dated August 28, 1862.

I. Commandants of departments, districts, and posts, will render all such military aid as may become necessary in carrying out the provisions of said regulations and enforcing observance thereof to the extent directed by the Secretary of the Treasury, so far as can possibly be done, without danger to the operations or safety of their respective commands.

II. There will be no interference with trade or shipments of cotton or other merchandise conducted in pursuance of said regulations within any territory occupied and controlled by the forces of the United States, unless absolutely necessary to the successful execution of military plans or movements therein. But in cases of the violations of the conditions of any clearance or permit granted under said regulations, and in cases of unlawful traffic, the guilty party or parties will be arrested and the facts promptly reported to the commandant of the department for orders.

III. No officer of the army or other person connected therewith will seize cotton or other property of individuals unless exposed to destruction by the enemy, or needed for military purposes, or for confiscation under the act of Congress, and in all such cases of seizure the same shall be promptly reported to the commandant of the department wherein they are made for his orders therein.

EDWIN M. STANTON,
Secretary of War.

NAVY DEPARTMENT, *August* 28, 1862.

The attention of naval officers is called to the regulations of the Secretary of the Treasury concerning commercial intercourse with insurrectionary States or sections, dated August 28, 1862.

I. Commanders of naval vessels will render such aid as may be necessary in carrying out the provisions of said regulations, and enforcing observance thereof to the extent directed by the Secretary of the Treasury so far as can possibly be done without danger to the operations or safety of their respective commands.

II. There will be no interference with trade in or shipments of cotton or other merchandise conducted in pursuance of said regulations within any of the waters controlled by the naval forces of the United States, unless absolutely necessary to the successful execution of military or naval plans or movements. But in cases of the violation of the conditions of any clearance or permit granted under said regulations, and in cases of unlawful traffic, the guilty party or parties will be arrested and the facts promptly reported.

III. No officer of the navy will seize cotton or other property of individuals within the territory opened to traffic, and subject to the regulations of the Secretary of the Treasury, unless the same is exposed to destruction by the enemy or needed for naval purposes, or for confiscation under the act of Congress; and in all such cases the fact with all attendant circumstances shall be promptly reported to the department.

GIDEON WELLES,
Secretary.

AN ACT

Further to provide for the collection of duties on imports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted*, That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district of the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And provided, further*, That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating

the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted*, That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs unless by process of some court of the United States: and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary, for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. *And be it further enacted*, That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing section of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry, shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted*, That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be un-

lawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States: *Provided, however*, That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers, at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted*, That, from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted*, That, in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted, in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

Approved July 13, 1851.

AN ACT

Supplementary to an act approved on the thirteenth July, eighteen hundred and sixty-one, entitled "An act to provide for the collection of duties on imports, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, in addition to the powers conferred upon him by the act of the thirteenth July, eighteen hundred and sixty-one, be, and he is hereby, authorized to refuse a clearance to any vessel or other vehicle laden with goods, wares, or merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such goods, wares, or merchandise, or any part thereof, whatever may be their ostensible destination, are intended for ports or places in possession or under control of insurgents against the United States; and if any vessel or other vehicle for which a clearance or permit shall have been refused by the Secretary of the Treasury, or by his order, as aforesaid, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel or other vehicle, with her tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 2. *And be it further enacted*, That whenever a permit or clearance is granted, for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he shall deem it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the said cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, further empowered to prohibit and prevent the transportation in any vessel or upon any railroad, turnpike, or other road or means of transportation within the United States, of any goods, wares, or merchandise, of whatever character, and whatever may be the ostensible destination of the same, in all cases where there shall be satisfactory reasons to believe that such goods, wares, or merchandise are intended for any place in the possession or under the control of insurgents against the United States; or that there is imminent danger that such goods, wares, or merchandise will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he shall deem it expedient so to do, to require reasonable security to be given that goods, wares, or merchandise shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this act; and if any goods, wares, or merchandise shall be transported in violation of this act, or of any regulation of

the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport them, all goods, wares, or merchandise so transported or attempted to be transported shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, That the proceedings for the penalties and forfeitures accruing under this act may be pursued, and the same may be mitigated or remitted by the Secretary of the Treasury in the modes prescribed by the eighth and ninth sections of the act of July thirteenth, eighteen hundred and sixty-one, to which this act is supplementary.

SEC. 5. *And be it further enacted*, That the proceeds of all penalties and forfeitures incurred under this act, or the act to which this is supplementary, shall be distributed in the manner provided by the ninety-first section of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage."

Approved May 20, 1862.

COMMERCIAL INTERCOURSE

WITH AND IN

STATES DECLARED IN INSURRECTION,

AND

THE COLLECTION

OF

ABANDONED AND CAPTURED PROPERTY.

EMBRACING

THE TREASURY DEPARTMENT CIRCULARS AND REGULATIONS; THE EXECUTIVE PROCLAMATIONS AND LICENSE; AND THE WAR AND NAVY DEPARTMENT ORDERS RELATING TO THOSE SUBJECTS.

SEPTEMBER 11, 1863.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1863.

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TREASURY DEPARTMENT CIRCULAR OF JULY, 1863.

[This letter, addressed to Supervising Special Agent Mellen and sent to the other Supervising Special Agents in July last, is republished, with some modifications adapting it to the Revised Regulations, for the convenient information of all parties concerned.]

TREASURY DEPARTMENT, *July* 3, 1863.

SIR: I have received your letter of the 5th of June, from Memphis, and also those of previous dates from Cincinnati, relative to the collection of abandoned and captured property within the States heretofore declared to be in insurrection.

In reply, I think it important to direct your attention, in the first place, to the general distinctions under which all property, subject to the disposition of national officers, within the district under your supervision may be arranged.

There may be said to be four classes of such property, viz., abandoned, captured, commercial, and confiscable.

First; Abandoned property is of two descriptions (1st,) that which has been deserted by the owners; and (2d,) that which has been voluntarily abandoned by them to the civil or military authorities of the United States. Such property is to be collected or received by the Special Agents of this Department and sold, under the authority of the Act of March 12, 1863; and the proceeds, after deducting the expenses of transportation and sale, and other expenses attending the collection and disposition thereof, are to be deposited in the Treasury, subject to award by the Court of Claims. Before this court, claimants to such property, or the proceeds thereof, have the right, under the act, to prefer their claims at any time after the sale, and before the expiration of two years from the close of the war. No guaranty can be given to owners of abandoned property in respect to the time when, or the persons to whom, proceeds will be paid.

Second; Captured property is understood to be that which has been seized or taken from hostile possession by the military or naval forces of the United States, and is to be turned over, with certain exceptions named, to the Special Agents of this Department, in accordance with the provisions of the Act of March 12, 1863. All property taken possession of by military or naval forces, and turned over to Special Agents, must be regarded as *prima facie* captured property. Such property you will receive and direct to be sold, and will cause the proceeds to be deposited in the Treasury, subject to the future award of the Court of Claims.

Captured property which is held as lawful prize by the Navy is not to be turned over to the Department Agents, nor to be in any way controlled by them.

Third; Commercial property is that which has been or may be sold and purchased under the license of the President, through permits granted by the officers of the Treasury Department.

Fourth; Confiscable property is that which belongs to certain classes of persons, as recited in the Confiscation Act of July 17, 1862, and is liable to seizure and condemnation by judicial proceedings in the manner prescribed by that act.

Great care must be exercised in properly classifying all property, that the provisions of the law applicable to each class may be complied with; and it must be remembered that with the property included in the fourth class, unless found deserted and abandoned, the Agents of the Treasury Department have no authority to interfere. The execution of the Confiscation Act is confided, by its express terms, to the President, by whom the Attorney General has been charged with the direction of all seizures and proceedings under it.

It must be remembered, also, that all property coming from insurrectionary districts into loyal States, or in reversed direction, or being transported within or to insurrectionary districts, in contravention of law or Departmental Regulations, is forfeited or forfeitable; and that it is the duty of the Agents of the Department, as well as of other proper officers, to enforce the forfeitures thus incurred; but property thus forfeited or forfeitable must not be confounded with confiscated or confiscable property, which is to be proceeded against and disposed of under the Act of July 17, 1862, or with prize property captured by the navy, and subject to disposition under the direction of Prize Commissioners and Courts.

In respect to property embraced in the first class, namely, abandoned property, it is to be observed that no Agent is authorized to make any other assurances than that property voluntarily abandoned shall be faithfully disposed of under the law, so as to secure, as far as practicable in the existing condition of the country, the rights of owners. No authority is given, or intended to be given, to agents to make any promises of special immunities or advantages not specified in the law.

In respect to both descriptions of abandoned property, whether found deserted or voluntarily abandoned, the law authorizes the payment of such expenses as must necessarily be incurred in its collection, or receipt and disposition.

You will, therefore, pay all such expenses, including fees, taxes, freights, storage, charges, labor, and other necessary expenses, out of the general fund arising therefrom; being careful to avoid all useless or indiscreet expenditures, and to charge each particular lot or parcel with the specific or proportionate amount of expense pertaining to it, and, unless unavoidably prevented, to take vouchers therefor, to be filed with the account of sales in this Department.

Where property is liable to be lost or destroyed, in consequence of its location being unknown to the Special Agents, or from other causes, and parties propose for compensation to collect and deliver it into the hands of the Agents of this Department, at points to be designated by them, you may contract for the collection and delivery

thereof, on the best possible terms, not exceeding twenty-five per cent. of the proceeds of the property; which percentage must be full compensation for all expenses of whatever character incurred in collecting, preparing, and delivering such property at the points indicated. Prior to any contract being entered into, each party proposing must submit, in writing, a statement, as near as may be, giving the kind and amount of property proposed to be collected; the location whence to be obtained; and all the facts and circumstances connected with it, particularly as to its ownership; and any contract made in pursuance of this authority will be restricted, either to the collection and delivery of particular lots at named localities, which is preferred, or, when circumstances clearly justify, to the general collection and delivery of all abandoned property in limited districts, not greater in any case than one parish or county, and not more than one district to be assigned to one contractor.

Before payment to any contractor for services in fulfilment of any contracts made in pursuance of this authority, a bond equal to the amount stipulated to be paid must be given by him, indemnifying the United States against all claims to the property delivered on account of damages by trespass or otherwise, occasioned by the act or connivance of the contractor, and against all claims that may arise on account of expenses incurred in the collection, preparation, and transportation of said property to the points designated in such contract.

Should cases arise justifying, in your opinion, the allowance of a larger percentage than that herein authorized, you will refer such cases to this Department, accompanied by a statement of the facts and circumstances connected therewith, together with such views and opinions of your own as you may think proper to submit for my consideration.

If property of a perishable nature is found abandoned, and its immediate sale is required by the interests of all concerned, it may be disposed of as provided for by regulations. You will aim to mitigate, as far as possible, and will in no case do anything avoidable to augment the calamities of war.

In relation to captured property you will observe the same directions, as far as they may be applicable, as to its receipt and subsequent disposition, as are prescribed in relation to abandoned property.

In relation both to captured and abandoned property, you will remember that no release must be granted to persons claiming ownership of property which has come to the possession of the Agents of the Department as abandoned, captured, or forfeited; nor must any permits be granted to individuals to remove such property; nor must personal favors, in any case, be extended to one individual or party rather than to another; nor must any liabilities be assumed or contracts made on the part of the United States not clearly warranted by law and the Departmental Regulations made in pursuance of law.

In case furniture, or other movable property of like character, is abandoned or captured, you will cause it to be retained and left on the premises where found whenever it can be done with safety; other-

wise, if practicable, and not attended with too great cost, you will have it safely stored and properly marked and numbered, and will report the facts to this Department and await further directions.

Your principal embarrassments will doubtless arise from questions relating to property of the third class, or commercial property.

The general purposes which, under the acts charging me with the regulation of the restricted commercial intercourse permitted by the President, I have kept steadily in view, have already been sufficiently explained in general regulations and in letters.

They may be briefly stated thus : (1) To allow within districts in insurrectionary States when the authority of the government is so completely re-established, in your judgment, sanctioned by that of the commanding General, as to warrant it, and between such districts and loyal States the freest commercial intercourse compatible with prevention of supplies to persons within rebel lines. (2d) To allow beyond such districts, but within the lines of our military occupation, such intercourse, sanctioned by the commanding General, as may be required to supply the inhabitants with necessaries, but to allow no other until the complete re-establishment of the national authority shall warrant it; and (3) To allow no intercourse at all beyond the national and within the rebel lines of military occupation; across these lines there can be no intercourse except that of a character exclusively military.

The limits of the districts within which the most general trade may be allowed must necessarily be prescribed by you, after full conference with the commanding Generals of Departments, whenever such conference is practicable, and these should be so clearly and distinctly marked by known geographical boundaries, or by the enumeration of counties, as to leave no uncertainty as to their course or comprehension. The limits of the regions within which necessaries may be supplied cannot be so clearly defined, but must be ascertained as well as possible from the commanding Generals, and the power to permit any supplies within them must be exercised with great caution.

There does not seem to me to be so much danger in intercourse which does not involve the furnishing of supplies. If, for example, any person desires to bring cotton, tobacco, sugar, turpentine, or other property, already purchased, or to be purchased for money only, from any place within the lines of our military occupation, I can see no objection to his being permitted to do so, subject to the fees and obligations specified in the general Regulations, on his giving a bond in a sufficient sum, and with sufficient sureties, conditioned that no military, naval, or civil officers or persons, prohibited by law, or by orders of the President, or of the Secretaries of War or Navy, or of military or naval commanders having proper authority, from being interested in such property, whether purchased or to be purchased, shall be so interested therein. Intercourse such as this might, it seems to me, be safely permitted, almost, if not quite, coextensively with our lines of military occupation.

Should this view meet the approval of the Generals commanding Departments within your Agency, the question of intercourse within

the doubtful region between what may be called the commercial and the military line would be reduced to a question of the quantity of supplies allowed to be furnished for money.

It is impossible at once to arrive at the best possible ways of accomplishing the great objects which Congress had in view in the several acts relating to commercial intercourse; but if these objects themselves be kept steadily in view, namely, (1st,) non-intercourse between loyal States or districts, and States or districts controlled by insurgents; and (2d,) modified intercourse between loyal States or districts, and States or districts partially regained to the Union, the best modes of accomplishing them will gradually disclose themselves. You will diligently observe the course of events, and hear attentively all suggestions made by respectable and loyal citizens, and report to me whatever may seem to you proper for consideration in establishing or modifying the Regulations of the Department.

Nothing occurs to me as needing to be now added, except that hereafter the Supervising Special Agents may establish, in conjunction with, or obedience to, the Generals commanding Departments, lines within which trade, more or less limited, may be carried on without awaiting my sanction, taking care, however, to give as general notice as practicable, through the press and otherwise, of the establishment or modification of such lines. All action under this authority must be immediately and specifically reported to the Department.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

WM. P. MELLEN, Esq.,
Supervising Special Agent, &c.

TREASURY DEPARTMENT CIRCULAR

CONCERNING

Trade with and in States Declared in Insurrection,

AND CONCERNING

ABANDONED AND CAPTURED PROPERTY.

To the Special Agents of the Treasury Department:

TREASURY DEPARTMENT, *September* 11, 1863.

GENTLEMEN: The President of the United States, having, by Proclamation of July 1, 1862, declared and proclaimed that the States of South Carolina, Florida, Georgia, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee, North Carolina, and the State of Virginia, except the following counties, Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia. Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, W[illegible] Boone, Logan, Wyoming, Webster, Fayette, and Raleigh, are surrection and rebellion:

And having also by Proclamation on the ~~31st of March~~, 18[illegible], voked certain exceptions made by his former Proclamation dated August 16, 1861, and declared that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and except, also, the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina,) are in a state of insurrection against the United States, and that all commercial intercourse, not licensed and conducted as provided in said act, between the said States and the inhabitants thereof with the exceptions aforesaid, and the citizens of other States and other parts of the United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by Proclamation; and all cotton, tobacco, and other products, and all other goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, or proceeding to any of said States. with the exceptions aforesaid, without the license and permission of the President, through the Secretary of the Treasury, will, together with the vessel or vehicle conveying the same, be forfeited to the United States;

TREASURY DEPARTMENT CIRCULAR

CONCERNING

Trade with and in States Declared in Insurrection,

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GENTLEMEN: The President of the United States, having, by Proclamation of July 1, 1862, declared and proclaimed that the States of South Carolina, Florida, Georgia, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee, North Carolina, and the State of Virginia, except the following counties, Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia. Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Webster, Fayette, and Raleigh, are in insurrection and rebellion:

And having also by Proclamation on the ~~31st of March~~ April, 1863, revoked certain exceptions made by his former Proclamation dated August 16, 1861, and declared that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and except, also, the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina,) are in a state of insurrection against the United States, and that all commercial intercourse, not licensed and conducted as provided in said act, between the said States and the inhabitants thereof with the exceptions aforesaid, and the citizens of other States and other parts of the United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by Proclamation; and all cotton, tobacco, and other products, and all other goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, or proceeding to any of said States. with the exceptions aforesaid, without the license and permission of the President, through the Secretary of the Treasury, will, together with the vessel or vehicle conveying the same, be forfeited to the United States;

And the act of Congress "further to provide for the collection of duties on imports and for other purposes, approved July 13, 1861," having authorized said Proclamation, and the License and Regulations referred to;

And the act of Congress supplementary to said act of July 13, 1861, approved May 20, 1862, having conferred additional powers on said Secretary, and prescribed further conditions of trade;

And the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," having declared

"That it shall be lawful for the Secretary of the Treasury, from and after the passage of said act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory, of the United States designated as in insurrection against the lawful government of the United States by the proclamation of the President of July 1, 1862: *Provided*, That such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war;"

And further, "That any part of the goods or property received or collected by such agent or agents may be appropriated to public use on due appraisement and certificate thereof, or forwarded to any place of sale within the loyal States, as the public interests may require, and that all sales of such property shall be at public auction to the highest bidder, and the proceeds thereof shall be paid into the Treasury of the United States;"

And further, "that he shall cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and the proceeds of the sale thereof;"

And further, "that any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof, to the satisfaction of said court, of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds after deducting the expenses of transportation and sale of said property, and any other lawful expenses attending the disposition thereof;"

And further, "that it shall be the duty of any officer or private of the regular or volunteer forces of the United States, or any officer, sailor, or marine in the naval service of the United States, upon the inland waters of the United States, who may take or receive any such abandoned property, or cotton, sugar, rice, or tobacco, from persons in such insurrectionary districts, or have it under his control, to turn the same over to an agent appointed as aforesaid, who shall give a receipt therefor; and in case he shall refuse to do so he shall be

tried by a court-martial, and punished as said court shall order, with the approval of the President of the United States;"

And the Secretary of War and the Secretary of the Navy having respectively made and published orders, for the enforcing of said acts;

The following Regulations are prescribed for the government of the several Supervising, Assistant, and Local Special Agents and Agency Aids, appointed to carry said acts and the Regulations made under them, into effect, and for the purpose of conducting the commercial intercourse licensed and permitted by the President, and preventing the conveyance of munitions of war and supplies to insurgents, or to localities declared to be in insurrection against the United States, or in such quantities that there will be imminent danger of their falling into the possession or under the control of insurgents; and are published, together with the Proclamations and License of the President, the several acts of Congress, and the Orders of the Secretaries of War and of the Navy, for the information of parties interested.

All officers charged with the execution of these Regulations, while using necessary vigilance to prevent supplies to rebels, either directly or by undue accumulation at points where there will be imminent danger of their falling into their hands, and in collecting abandoned or captured property, will be careful to occasion as little inconvenience as possible to any legitimate trade or intercourse, or to loyal people.

S. P. CHASE,
Secretary of the Treasury.

TREASURY DEPARTMENT, *September* 11, 1863.

EXECUTIVE MANSION,

Washington, September 11, 1863.

The following Revised Regulations of the Secretary of the Treasury having been seen and considered by me, are hereby approved.

ABRAHAM LINCOLN.

TRADE REGULATIONS

PRESCRIBED BY THE SECRETARY OF THE TREASURY FOR THE GOVERNMENT OF THE LIMITED COMMERCIAL INTERCOURSE, LICENSED BY THE PRESIDENT, BETWEEN THE CITIZENS OF LOYAL STATES AND THE INHABITANTS OF STATES AND PARTS OF STATES HERETOFORE DECLARED TO BE IN INSURRECTION, AS REVISED AND REPUBLISHED SEPTEMBER 11, 1863.

I. The States and parts of States declared to be in insurrection, between which and the citizens of loyal States commercial intercourse has been or may be licensed by the President, to be conducted and carried on in pursuance of Regulations and Rules prescribed by the Secretary of the Treasury, are hereby divided into districts, called Special Agencies, to which Supervising Special Agents, appointed by the Secretary, are assigned.

Districts created called Special Agencies.

II. The Special Agencies are distinguished numerically, and described as follows:

Special Agencies named and described.

The First Special Agency comprises the district of the United States west of the Alleghany mountains, known as the Valley of the Mississippi, and extending southward so as to include so much of the States of Alabama, Mississippi, Arkansas, and Louisiana, as is or may be occupied by national forces operating from the North.

The Second Special Agency comprises the State of Virginia, and so much of the State of West Virginia as lies east of the Alleghany mountains; also the territory north and east thereof, from which trade is carried on with the States or parts of States declared to be in insurrection.

The Third Special Agency comprises the State of North Carolina.

The Fourth Special Agency comprises the States of South Carolina, Georgia, and Florida.

The Fifth Special Agency comprises the State of Texas and so much of the States of Louisiana, Arkansas, Alabama, and Mississippi as is, or may be, within the lines of the national forces operating from the South.

Additional Special Agencies, if established, will be numerically designated in the order of their establishment; and if the boundaries of Agencies already established shall be changed, due notice thereof will be given.

Supervising Special Agents to make Local Rules.

III. Supervising Special Agents will supervise within their respective Agencies the execution of these Regulations; make and from time to time change such Local Rules not inconsistent with them, as may be proper for that purpose, and temporarily suspend or qualify the authority to grant Permits, if the public interest shall require it, subject to the approval of the Secretary of the Treasury; and they will confer with Generals commanding Departments and Naval Officers commanding within their Agencies, and obtain, as far as practicable, their sanction to such action as may affect their military or naval movements, and carefully avoid all interference with military or naval operations prosecuted by them.

Officers by whom Regulations, and Local Rules will be carried into effect.

IV. These Regulations, and the Local Rules prescribed by the several Supervising Special Agents, for their respective Agencies, will be carried into effect by Assistant Special Agents, Local Special Agents, and Agency Aids. Local Special Agents will take the place and perform the duties of the Boards of Trade heretofore authorized. Assistant Special Agents will be appointed by the Secretary of the Treasury; Local Special Agents and Agency Aids will be appointed by the Supervising Special Agents or Assistant Special Agents, as under Regulation XXX, subject to the approval of the Secretary.

Restriction upon transportation.

V. No goods, wares, or merchandise will be allowed to be transported to, from, or within any State or part of a State under restriction, or declared in insurrection, except under Permits, Certificates, and Clearances, as hereinafter provided.

Officers authorized to grant permits.

VI. The officers of the Treasury Department authorized to grant Permits to Districts in States or parts of States heretofore declared to be in insurrection, but where commercial intercourse has been or may be licensed by the President under Regulations of the Secretary of the Treasury, are the Surveyors of Customs at Pittsburg, Wheeling, Cincinnati, Madison, Louisville, New Albany, Evansville, Paducah, Cairo, Quincy, St. Louis, Nashville, Memphis, and Baltimore; the Collectors of Customs at Philadelphia, Georgetown, Beaufort in North Carolina, and Port Royal in South Carolina; and the Collector of Internal Revenue at New Orleans. Other officers will be designated to grant permits should the public interests require it; and no permit will be granted except by such officers as shall be authorized by the Secretary of the Treasury, or such as are approved by him.

Intercourse beyond the line of military occupation prohibited.

VII. Commercial intercourse with localities beyond the lines of military occupation by the United States forces is strictly prohibited; and no permit will be granted for the transportation of any property to any place under the control of insurgents against the United States.

No clearance or permit for blockaded ports, except as a military necessity.

VIII. No clearance or permit whatsoever will be granted for any shipment to any port or place affected by the existing blockade, except upon the request of the Department of War, or the Department of the Navy, either directly or through a specially authorized officer, addressed to the Secretary of the Treasury, or to some officer specially authorized by him, accompanied by a certificate that the articles are required for military or naval purposes, and in the manner and form prescribed by Regulation XXXII.

Trade districts, how created and defined.

IX. The several Supervising Special Agents within their respective Agencies will, after conference with the Generals commanding Departments, when possible, and with their sanction, unless unavoidable circumstances prevent the obtaining of it, designate by known geographical boundaries, or by enumeration of counties, that portion of the territory included in their Agencies, respectively, with which trade may be safely permitted, and report such designation to the Secretary. The part of territory so designated shall be called the Trade District; and no transportation of goods, except as hereinafter provided, shall be permitted beyond the lines of such Trade District.

Supply districts, how created and defined.

X. If it shall appear that beyond the lines of the Trade but within the lines of national military oc there is some territory within which the s necessaries is required by humanity and sound while trade cannot yet be safely re-establish the Supervising Special Agents, with the sanction of the Gene manding Department, but in no case without his sanction, and to revocation or modification by the Secretary, may in like designate the portion of territory in their respective Agencies t goods may be properly permitted for individual and family s but for no other purpose. The territory so designated shall be the Supply District; and no goods shall be transported ther resale except as provided in Regulation XVIII.

Applications for permits shall state.

XI. All applications for permits to transport goods or property under these Regulations shall state the character and value of the merchandise to be transported, the place to which such transportation is to be made, the names of the owner or purchaser, and, if any, of the shipper and consignee thereof, and the number and description of the packages, with the marks thereon.

Applications for permits to transport goods, how made.

XII. Every applicant for a permit to transport goods, wares, or merchandise into or within any place or section where such transportation may be permitted, shall present with his application the original invoices of the goods, wares, and merchandise to be transported, and shall file with the officer granting the permit the certificate of the Local Special Agent authorizing it, if any be necessary, and an

Supervising Special Agents to make Local Rules.

III. Supervising Special Agents will supervise within their respective Agencies the execution of these Regulations; make and from time to time change such Local Rules not inconsistent with them, as may be proper for that purpose, and temporarily suspend or qualify the authority to grant Permits, if the public interest shall require it, subject to the approval of the Secretary of the Treasury; and they will confer with Generals commanding Departments and Naval Officers commanding within their Agencies, and obtain, as far as practicable, their sanction to such action as may affect their military or naval movements, and carefully avoid all interference with military or naval operations prosecuted by them.

Officers by whom Regulations, and Local Rules will be carried into effect.

IV. These Regulations, and the Local Rules prescribed by the several Supervising Special Agents, for their respective Agencies, will be carried into effect by Assistant Special Agents, Local Special Agents, and Agency Aids. Local Special Agents will take the place and perform the duties of the Boards of Trade heretofore authorized. Assistant Special Agents will be appointed by the Secretary of the Treasury; Local Special Agents and Agency Aids will be appointed by the Supervising Special Agents or Assistant Special Agents, as under Regulation XXX, subject to the approval of the Secretary.

Restriction upon transportation.

V. No goods, wares, or merchandise will be allowed to be transported to, from, or within any State or part of a State under restriction, or declared in insurrection, except under Permits, Certificates, and Clearances, as hereinafter provided.

Officers authorized to grant permits.

VI. The officers of the Treasury Department authorized to grant Permits to Districts in States or parts of States heretofore declared to be in insurrection, but where commercial intercourse has been or may be licensed by the President under Regulations of the Secretary of the Treasury, are the Surveyors of Customs at Pittsburg, Wheeling, Cincinnati, Madison, Louisville, New Albany, Evansville, Paducah, Cairo, Quincy, St. Louis, Nashville, Memphis, and Baltimore; the Collectors of Customs at Philadelphia, Georgetown, Beaufort in North Carolina, and Port Royal in South Carolina; and the Collector of Internal Revenue at New Orleans. Other officers will be designated to grant permits should the public interests require it; and no permit will be granted except by such officers as shall be authorized by the Secretary of the Treasury, or such as are approved by him.

Intercourse beyond the line of military occupation prohibited.

VII. Commercial intercourse with localities beyond the lines of military occupation by the United States forces is strictly prohibited; and no permit will be granted for the transportation of any property to any place under the control of insurgents against the United States.

No clearance or permit for blockaded ports, except as a military necessity.

VIII. No clearance or permit whatsoever will be granted for any shipment to any port or place affected by the existing blockade, except upon the request of the Department of War, or the Department of the Navy, either directly or through a specially authorized officer, addressed to the Secretary of the Treasury, or to some officer specially authorized by him, accompanied by a certificate that the articles are required for military or naval purposes, and in the manner and form prescribed by Regulation XXXII.

Trade districts, how created and defined.

IX. The several Supervising Special Agents within their respective Agencies will, after conference with the Generals commanding Departments, when possible, and with their sanction, unless unavoidable circumstances prevent the obtaining of it, designate by known geographical boundaries, or by enumeration of counties, that portion of the territory included in their Agencies, respectively, with which trade may be safely permitted, and report such designation to the Secretary. The part of territory so designated shall be called the Trade District; and no transportation of goods, except as hereinafter provided, shall be permitted beyond the lines of such Trade District.

Supply districts, how created and defined.

X. If it shall appear that beyond the lines of the Trade District, but within the lines of national military occupation, there is some territory within which the supply of necessaries is required by humanity and sound policy, while trade cannot yet be safely re-established, then the Supervising Special Agents, with the sanction of the General commanding Department, but in no case without his sanction, and subject to revocation or modification by the Secretary, may in like manner designate the portion of territory in their respective Agencies to which goods may be properly permitted for individual and family supply, but for no other purpose. The territory so designated shall be called the Supply District; and no goods shall be transported thereto for resale except as provided in Regulation XVIII.

Applications for permits shall state.

XI. All applications for permits to transport goods or property under these Regulations shall state the character and value of the merchandise to be transported, the place to which such transportation is to be made, the names of the owner or purchaser, and, if any, of the shipper and consignee thereof, and the number and description of the packages, with the marks thereon.

Applications for permits to transport goods, how made.

XII. Every applicant for a permit to transport goods, wares, or merchandise into or within any place or section where such transportation may be permitted, shall present with his application the original invoices of the goods, wares, and merchandise to be transported, and shall file with the officer granting the permit the certificate of the Local Special Agent authorizing it, if any be necessary, and an

affidavit that the names of the owners, the quantities, descriptions, and values of the merchandise, are correctly stated in said invoices, true copies of which shall be annexed to and filed with the affidavit; and that the marks on the packages are correctly stated in the application, and that the packages contain nothing except as stated in the invoices; that the merchandise so permitted shall not, nor shall any part thereof, be disposed of by him, or by his authority, connivance, or assent, in violation of the terms of the permit, and that neither the permit so granted nor the merchandise to be transported shall be so used or disposed of by him, or by his authority, connivance, or assent, as in any way to give aid, comfort, information, or encouragement to persons in insurrection against the United States. All affidavits required by these Regulations or by Local Rules shall be taken before a Supervising, Assistant or Local Special Agent, or some other authorized officer.

Certificate of Local Special Agent, to whom given, and no permit without certificate, except for fruits, vegetables, &c.

XIII. No certificate shall be given by a Local Special Agent in a State declared in insurrection, for purchase of goods for resale, except to parties having trade stores under authority from the Supervising Special Agent, or Assistant Special Agent designated by him, as hereinafter provided; and no permit shall be granted to transport merchandise into any such State, unless authorized by such certificate; except that fresh vegetables, fresh fruits, ice, poultry, eggs, fresh butter, coal, wood, hay and other forage, beef-cattle, sheep, hogs and household goods of families moving, may be permitted by the officers named in Regulation VI, to go to any not blockaded military post, fleet, or naval vessel, of the United States forces, without such certificate but under careful discretion to prevent abuse of the exception.

Application for authority to continue or establish trade stores, to whom and how made.

XIV. After a Trade District in any Agency shall be designated, as aforesaid, persons of well-ascertained loyalty, desiring to continue or establish trade stores therein, may make application in writing to the proper Supervising Special Agent, or to such Assistant Special Agent as he shall designate for that purpose, setting forth the locality of the proposed trade store, and will make and attach to such application an affidavit that he is in all respects true to the Government of the United States; that he will faithfully conform to the Proclamations and orders of the President of the United States and of the military Governors and Generals exercising authority under him, and to Departmental Regulations authorized by law, and that he will at all times by his conduct and conversation, and by every other means he can properly use, aid in suppressing the rebellion and restoring obedience to the constitution and laws of the United States. The Supervising Special Agent, or the officer designated by him, will inquire into the character of the applicant and circumstances of the locality, and if deemed expedient will authorize him to sell at said trade store an amount of goods per month specified in the Authority,

A copy of the Authority shall be filed with the Local Special Agent nearest the trade store, who shall thereby be authorized to give the Trader certificates amounting in the aggregate to the specified monthly sum, and upon which, goods, wares. and merchandise not prohibited by Regulations or Local Rules may be permitted by the proper Collector or Surveyor to be transported to such trade store. Great care will be exercised by the Supervising Special Agent, and Assistant Special Agent designated by him, to so limit the number of stores and quantities of goods to be permitted as to prevent undue accumulation of supplies at such stores; and every Trader, before receiving his Authority, shall be required to execute a bond to the United States in a penalty, and with sureties to be approved by the Agent granting the Authority, conditioned that he will not transport goods to any place other than to said trade store, or engage directly or indirectly in any prohibited trade; and that no part of the goods transported by him shall, with his knowledge or assent, or by his connivance, be so used or disposed of as to give aid or encouragement to the insurgents; and also conditioned that no military, naval, or civil officer or person prohibited by law or by order of the President, or of military or naval commanders having proper authority, from being interested in the property purchased or sold by him, shall be so interested therein.

Authorized traders not to wholesale, except in Memphis and Nashville. To keep true accounts and file and preserve papers. Penalty for violating Regulations or Local Rules.

XV. Authorized Traders, (except in the cities of Memphis and Nashville and such other cities or towns as may be hereafter designated by the Secretary of the Treasury, with the concurrence and approval of the General commanding Department,) shall not sell goods to others to be resold by them; but shall sell only to persons for their own individual, family, or plantation use, upon presentation of the permit for transportation thereof of the proper Local Special Agent, as provided in Regulations XVI and XVII. In Memphis, Nashville, and other cities after designation as above, authorized traders may sell goods to other traders for purpose of resale, upon the certificate of the proper Local Special Agent. Persons and families residing in Memphis, Nashville, and other cities after designation thereof as above, may purchase supplies for their own consumption at any trade store therein without any permit or certificate; but goods so sold shall not be transported out of said cities, except under permit of the proper officer, to be issued only upon the certificate of the Local Special Agent, as provided in Regulation XVI. All authorized Traders shall keep true accounts of all their sales, with the name and residence of each purchaser, and the date and amount of every sale, and shall file and preserve all cancelled permits under which goods have been transported, and copies of all permits under which sales have been made; and their books, invoices, accounts, cancelled permits, and copies of permits, shall be open to inspection of the Supervising Special Agent, or Assistant Special Agents under his direction. If any such Trader

shall violate any Regulation or Local Rule, his Authority shall be revoked by the Supervising Special Agent, or Assistant Special Agent by him designated, and said revocation reported to the Secretary, and his stock in trade seized and forfeited to the United States.

When Local Special Agents may permit supplies, and on what conditions.

XVI. The purchase and transportation of individual, family, and plantation supplies may be permitted by a Local Special Agent, from any trade store in that part of a Trade District for which he is appointed to the home of the applicant therein, upon application to him by the head of the family or such other person as shall be authorized by him or her in writing: provided, that the applicant shall make affidavit, and the agent shall be satisfied, that the supplies applied for are necessary for the use and consumption of such person or family during the two months next ensuing the date of the affidavit; that no part thereof will be sold or otherwise disposed of by him or her, or by his or her assent, except for use of such person or family; and that, to the best of his or her knowledge and belief, no application has been made for any permit for the same or like supplies to any other officer or Agent, and that no supplies for the period mentioned have been or are expected to be otherwise obtained; and no one person shall be recognized as representing more than six families.

Authorized Collector and Surveyor may also permit supplies when and on what conditions.

Such transportation may also be permitted by any authorized Collector or Surveyor out of the District for which the Local Special Agent is appointed, upon his certificate and recommendation, granted upon the same application and affidavit as above required.

Conditions upon which parties in Supply Districts may obtain supplies.

XVII. Persons or families residing without the lines of the Trade District, but within the lines of a Supply District, may procure supplies on the certificate of the nearest Local Special Agent that the supplies specified therein are necessary for the use and consumption of such person or family for a period of time not exceeding the month ensuing. All applications for such certificate must be made personally to the proper Local Special Agent by such person, or a member of such family, or other person authorized by the head of the family; and the applicant shall make and file with him an affidavit that the supplies applied for are necessary for the use and consumption of the person or family for the time specified, not exceeding one month next ensuing; that no part thereof will be sold or otherwise disposed of by him or her, or by his or her assent, except for the use of such person or family, and that to the best of his or her knowledge and belief no application has been made for the same or like supplies to any other officer or Agent, and that no supplies for the period mentioned have been or are expected to be otherwise obtained; and no person shall be recognized as representing more than six families. The certificate so obtained must be presented

to the nearest Collector or Surveyor, who, upon being satisfied that it has been properly granted, will issue a permit to the holder for the transportation of the articles specified therein; but in cases where the supplies are purchased at a trade store, and there is no authorized Collector or Surveyor within five miles thereof, the Local Special Agent nearest to such trade store may grant such permit, retaining the certificate and delivering the permit to the applicant. Except in cases mentioned in this Regulation and Regulation XVI, no permit will be granted by any Local Special Agent.

When trade store may be authorized in Supply District.

XVIII. Upon the request of the General commanding Department, the proper Supervising Special Agent may authorize the establishment of one or more trade stores in any city or town of a Supply District, under the same Regulations as trade stores are established in Trade Districts, and subject to military orders; but the Authority to establish any such store may be revoked, and the store discontinued by the Supervising Special Agent whenever the public interest may require it.

When products may be brought to market, and on what conditions supplies may be taken home.

XIX. After any Trade or Supply District shall have been established, loyal and well-disposed persons residing therein may bring their products to market, unless prohibited by Regulation, Rule, or military order, and may be permitted by the proper Collector or Surveyor, on payment of prescribed fees, to sell the same for money other than gold or silver, and to take back to their respective homes so much of the proceeds of products so sold in individual, family, or plantation supplies, as shall be certified by the Local Special Agent nearest to the residence of such person to be necessary for the use or consumption of the individual, family, or plantation, for a period not exceeding two months next ensuing, if residing within the limits of a Trade District, or one month if within the limits of a Supply District; and any attempt to take back more than the quantity so certified will debar the party all further privilege to bring products to market or to trade.

Products may be purchased under prescribed conditions.

XX. All proper and loyal persons may apply in the prescribed form to the proper Supervising Special Agent, or an Assistant Special Agent designated by him, for authority to purchase, for money other than gold or silver, any of the products of the country within the lines of National military occupation in his Agency, except when prohibited by order of the General commanding Department or other special military order, and to transport the same to market; and—on making and filing with such Agent an affidavit, in the prescribed form, and executing a bond with penalty and sureties to be approved by said Agent, and conditioned that he will pay or secure all fees required by Regulations, that he will not purchase products at any place other than that named in the Authority, or engage directly or

indirectly in prohibited trade, and that no military, naval, or civil officer or person prohibited by law or by order of the President, or of military or naval commanders having proper authority, from being interested in the property purchased by him, shall be so interested therein—the Supervising Special Agent, or Assistant Special Agent designated by him, if he deems it expedient, may authorize the proper officer to permit, on payment or security of the prescribed fees, the purchase and transportation of products as applied for, except articles prohibited. Upon presentation of such Authority to any officer named in Regulation VI, he may issue a permit for the purchase, transportation and sale of products specified, in pursuance of the terms of the Authority; but before delivering it, he will require the prescribed fees to be paid, or a bond therefor to be executed to the United States with penalty, and sureties approved by him, conditioned that the fees for each shipment made under the permit shall be paid to him or some other proper officer at the time or within ten days after such shipment shall be made; and that immediately after the making of any shipment by land or water under the permit, notice of such shipment shall be forthwith given to the officer issuing the permit, which notice shall specify the date and place of shipment, and contain or be accompanied by a description of the property and the marks thereon, and a statement of its destination and the route thereto; and that upon its arrival at any port where there is an officer of customs, a similar report shall be forthwith made to him. If any person obtaining a permit, and paying the fees therefor, shall purchase or transport no merchandise under the same or a less quantity than is permitted, the fees paid, or the proper proportion thereof, shall be refunded on application and due showing to the proper Supervising Special Agent.

Any neglect on the part of the person permitted to purchase and transport, or of any one acting for him, to comply with Regulations and Local Rules, or with the conditions of the bond to the permit officer, shall work immediate forfeiture of all rights under the Authority or permit, and any property purchased or transported under the same after such neglect shall be forfeited to the United States.

Conditions upon which permits to purchase products may be issued.

XXI. Every permit to purchase or sell cotton, tobacco, or other merchandise within any place or section in a State heretofore declared in insurrection, after commercial intercourse therewith shall have been permitted by the Secretary of the Treasury, and every permit to transport the same thereto, therein, or therefrom, shall clearly define the character and quantity of the merchandise so permitted to be sold, purchased, or transported, and the place or section within which the same may be purchased or sold, and to and from which the same may be transported; and each person shall, before receiving such permit, make affidavit that he is in all respects loyal and true to the government of the United States; that he will faithfully conform to the Proclamations and orders of the President of the United States, and of the Military Governors and Generals exercising authority under him, and to Departmental Regulations authorized by law; and that he will at all times, by his conduct and conversation, and by

every other means he can properly use, aid in suppressing the rebellion and restoring obedience to the Constitution and laws of the United States.

Transportation of, or payments in, coin or bullion strictly prohibited.

XXII. All transportation of coin or bullion to any State or section heretofore declared to be in insurrection is absolutely prohibited, except for military purposes, and under military orders, or under the special license of the President. And no payment of gold or silver or foreign bills of exchange shall be made for cotton or other merchandise within any such State or section. All cotton or other merchandise purchased in any such State or section, to be paid for therein, directly or indirectly, in gold or silver, or foreign bills of exchange, shall be forfeited to the United States.

Limitation and revocation of authorities, certificates, and permits.

XXIII. Authorities to purchase products, unless renewed, and all Certificates of Local Special Agents recommending permits for transportation, shall expire thirty days after date. Permits for transportation shall expire ten days after date; and all authorities, certificates, and permits, will be liable to revocation by the Secretary of the Treasury, or the proper Supervising Special Agent, as the public interests may require.

Sutlers' permits, how obtained and upon what conditions.

XXIV. Permits will be granted to Sutlers to transport to the regiments sutlered by them such articles as they are authorized to sell, free of the five per cent. fee; but no permit will be granted to a Sutler except on presentation to the proper permit officer of the original certificate of his appointment from the commanding officer of his regiment, countersigned by the Division commander thereof, and an application and affidavit in the form prescribed. Transportation shall not be permitted to any Sutler for an amount of goods exceeding $2,500 per month; nor for over two months supply at one time; nor for any goods except such as he is by law and War Department orders allowed to deal in.

Supplies moving under military orders or under contract.

XXV. Supplies and other property belonging to the United States for the use of the army or navy, moving under military or naval orders, are excepted from the operation of these Regulations. Supplies for the army or navy, furnished under contract, will be permitted free of charge, upon the certificate of the proper military or naval officer that such supplies are required and are to be shipped in fulfilment of an actual existing contract with the government.

Restricted districts, not declared in insurrection, to which goods must be permitted.

XXVI. In order to prevent, under the pretence of legitimate trade, the conveyance of supplies which there is reason to believe are ultimately intended for persons in rebellion against the government, or for places under the control of insurgents, and to prevent undue accumulation of goods at points in dangerous proximity to districts under control of insurgents, transportation of any goods,

wares, or merchandise, without the permit of a duly authorized officer of this Department, is prohibited to any place on the south side of the Potomac River, or to any place on the north side of the Potomac and south of the Washington and Annapolis railroad, or on the eastern shore of the Chesapeake, or on the south side of the Ohio River below Wheeling, except Louisville; or on the west side of the Mississippi River below the mouth of the Des Moines, except St. Louis.

Conditions upon which goods to restricted districts may be permitted.

XXVII. Permits for shipment of goods into districts or places with which commercial intercourse is restricted, but which have not been declared to be in insurrection, may be granted by Collectors or Surveyors of customs, or other specially authorized officers of the Department located near the point of destination, in conformity with Regulations and local rules; and Collectors or Surveyors at any other port or place, when applied to by parties wishing to make shipments into such districts or places, if satisfied of the loyalty of such parties and the good faith of the proposed transaction, may furnish certificates to that effect, which will be received as sufficient evidence on those points by the Collector, Surveyor, or other proper officer near the point of destination, to whom application for permits will be made by the shipper, and by whom, on compliance with Regulations and Local Rules, such permits will be granted ; and all questions of detention or seizure of goods *en route* to points above indicated will be decided by the Collector or Surveyor at the last port to be passed before entering a restricted district. Any information touching the character of any goods or transaction in the possession of any officer of this Department likely to be useful in such decisions should be promptly forwarded to the officer on whom rests the decision or who grants the permit, and also to the Secretary.

No vessel or other vehicle shall carry goods into, or put off goods in, restricted districts without permit.

XXVIII. No vessel, boat, or other vehicle, used for transportation from any place in the loyal States, shall carry goods, wares, or merchandise into any place, section, or State not declared in insurrection, but with which commercial intercourse has been or may be restricted, without the permit of a duly authorized officer of the Treasury Department, application for which permit may be made to such authorized officer near the point of destination as may suit the convenience of the shipper. Nor shall any vessel, boat, or other craft, or vehicle used for transportation, put off any goods, wares, or merchandise, at any place other than that named in the permit or clearance as the place of destination of such goods, wares, and merchandise.

Boats on western waters must present manifest and clearance.

XXIX. Before any boat or vessel running on any of the western waters south of Louisville or St. Louis, or other waters within or adjacent to any State or section commercial intercourse with which now is, or may hereafter be, restricted as aforesaid, shall depart from any port where there is a collector or surveyor of customs, there shall

be exhibited to the collector or surveyor, or such other officer as may be authorized to act in his stead, a true manifest of its entire cargo, and a clearance, obtained to proceed on its voyage; and when freights are received on board at a place where there is no Collector or Surveyor, as hereinafter provided in Regulation XXX, then the same exhibit shall be made and clearance obtained at the first port to be passed where there is such an officer, if required by him, and such vessel or boat shall be reported and the manifest of its cargo exhibited to the collector or surveyor of every port to be passed on the trip where there is such an officer, if required by him; but no new clearance shall be necessary unless additional freights shall have been taken on board after the last clearance. Immediately on arriving at the port of final destination, and before discharging any part of the cargo, the manifest shall be exhibited to the Surveyor of such port, or other officer authorized to act in his stead, whose approval for landing the cargo shall be indorsed on the manifest before any part thereof shall be discharged; and the clearance and shipping permits of all such vessels and boats shall be exhibited to the officer in command of any Naval vessel or military post whenever such officer may require it.

Agency Aids will be appointed on cars and boats.

XXX. To facilitate trade, and guard against improper transportation, Agency Aids will be appointed by the proper Supervising Special Agent, or under his direction by an Assistant Special Agent, from time to time, on cars, vessels, and boats, when desired by owners, agents, or masters thereof, which Aids will have free carriage on the respective cars, vessels, and boats on which they are placed, and will allow proper way freights to be taken on board without permit, keeping a statement thereof, and reporting the same to the first officer to be passed on the trip who is authorized to grant the permit desired, from whom a permit therefor must be obtained, or the goods shall be returned to the shipper under his direction. No permit will be granted for transportation into or within any State or district under restriction, or declared in insurrection, except on cars, vessels, and boats carrying such Aids, or by private conveyance specified in the permit, or on boats, vessels, or cars bonded not to receive anything on board for transportation during the trip, nor to land or discharge anything at any point except that of ultimate destination without proper permit.

Conditions on which clearances and permits may be obtained from port not blockaded to port opened by proclamation.

XXXI. Boats and vessels may be cleared, and merchandise not prohibited may be permitted, from any port which has not been blockaded to any port which has been blockaded but opened by proclamation, upon payment of such fees only as were chargeable therefor before the blockade was declared, but subject to Regulations XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, and XL, and upon giving bond not to land or discharge any of such merchandise at any intermediate point, except under permit authorized by these Regulations. But no goods, wares, or

merchandise shall be shipped or transported from or out of such opened port, except under permits granted upon compliance with Regulations and Local Rules, and payment of the fees prescribed in Regulation XLII.

Applications for permits to blockaded ports, how made.

XXXII. Applicants for permits to ship to any port or place affected by the existing blockade, but occupied by United States forces, must present, with their application, a certificate from the Department of War, or Department of the Navy, either directly or through a duly authorized officer, that the articles are required for military or naval purposes, and a request that the transportation of the same may be permitted, together with invoices in duplicate of the articles to be permitted, specifying their character, quantity, value, and destination. On receiving such certificate and request and duplicate invoices, the Secretary of the Treasury, or some officer specially authorized by him, will transmit to the proper officer one of the invoices, and direct the permitting of the transportation requested, and forward the other invoice to the Assistant or Local Special Agent at the port or place to which the goods are to be permitted. The Assistant or Local Special Agent will, in all cases, on the arrival of any articles claimed to have been permitted, examine and compare such articles with the duplicate invoice; and in case of any excess or evasion of the permit, he will seize the whole shipment, and report the facts forthwith to the Supervising Special Agent, that proceedings may be taken for their forfeiture under the act of July 13, 1861, May 20, 1862, and March 12, 1863.

Licenses may be granted by consuls to blockaded ports reopened.

XXXIII. Where ports heretofore blockaded have been opened by the proclamation of the President, licenses will be granted by the United States Consuls, on application by the proper parties, to vessels clearing from foreign ports to the ports so opened, upon satisfactory evidence that the vessel so licensed will convey no person, property, or information contraband of war, either to or from said ports, which license shall be shown to the Collector of the port to which the vessel is bound, and, if required, to any officer in charge of the blockade. And on leaving any port so opened, the vessel must have a clearance from the Collector, according to law, showing no violation of the conditions of the license. Any violation of the conditions will involve the forfeiture and condemnation of the vessel and cargo, and the exclusion of all parties concerned from entering the United States for any purpose during the war.

Clearances from domestic ports may be granted.

XXXIV. Vessels clearing from domestic ports to any of the ports so opened will apply to the custom-house officers of the proper ports, in the usual manner, for licenses or clearances under the Regulations heretofore established.

XXXV. Whenever application is made to a Collector, or Surveyor authorized to grant it, for a permit, license, or clearance, for either a foreign or domestic port, if for satisfactory reasons he shall deem it necessary to prevent the cargo of the vessel from being used in affording aid or comfort to any person or parties in insurrection against the authority of the United States, he shall require a bond to be executed by the master or owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such Collector or Surveyor, conditioned that the said cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States, with the knowledge or consent or connivance of the owner or shipper thereof, or with the knowledge, consent, or connivance of the master of the vessel on which the same may be laden, or of other persons having control of the same, until after delivery to the proper consignee, and the sale or other disposition, by him in good faith, of said cargo.

Bonds may be required in certain cases.

XXXVI. Collectors and Surveyors will refuse clearances and permits to all vessels, or other vehicles, whether with or without cargo, destined for a foreign or domestic port, whenever they shall have satisfactory reason to believe that such vessels or their cargoes, or any part thereof, whatever may be their ostensible destination, are intended for ports or places in possession or under control of insurgents against the United States. And if any vessel or other vehicle for which a clearance or permit shall have been refused as aforesaid shall depart, or attempt to depart, for a foreign or domestic port, without being duly cleared or permitted, such Collector, or Surveyor, or the Supervising Special Agent, or Assistant Special Agent, shall cause such vessel or vehicle to be seized and detained, and proceedings to be instituted for the forfeiture to the United States of such vessel or other vehicle, with her tackle, apparel, furniture, and cargo.

Clearances may be refused in certain cases.

Vessels may be seized.

XXXVII. When any Collector, Surveyor, Supervising, Assistant, or Local Special Agent, charged with the execution of these Regulations, and the laws authorizing them, shall find within his proper limits any goods, wares, or merchandise which, in his opinion, founded on satisfactory evidence in writing, are in danger of being transported to insurgents, he may require the owner or holder thereof to give reasonable security that they shall not be transported to any place under insurrectionary control, and shall not in any way be used to give aid or encouragement to the insurgents.

Merchandise, in whatever locality, liable to reach insurgents, owner to give bond.

If the required security be not given, such officer shall promptly state the facts to the United States marshal for the district within which such goods are situated; or if there be no United States marshal, then

If no security given, goods to be taken possession of.

to the commander of a near military post, whose duty it shall be to take possession thereof, and hold them for safe-keeping, reporting the facts promptly to the Secretary of the Treasury, and awaiting instructions.

Prohibited articles.

XXXVIII. No clearance or permit will be granted for the shipment of prohibited articles, viz : cannon, mortars, fire-arms, pistols, bombs, grenades, powder, saltpetre, sulphur, balls, bullets, pikes, swords, boarding-caps, (always excepting the quantity of the said articles which may be necessary for the defence of the ship and of those who compose the crew,) saddles, bridles, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sail-cloth of all kinds, hemp and cordage, intoxicating drinks, other than beer and light native wines, or other articles prohibited by the proper authorities, except upon certificate and request under Regulation XXXII, or by the special direction of the Supervising Special Agent sanctioned by the General commanding Department or District into or from which the shipment is to be made.

Vessels to report to gunboats or revenue cutters.

XXXIX. Every vessel, on approaching a gunboat or revenue cutter, or vessel appearing to be such, before proceeding further, shall bear up and speak said boat or cutter, and submit to such examination as may be required.

Violations of these regulations, how punished.

XL. All vessels, boats, and other vehicles used for transportation, violating Regulations or Local Rules, and all cotton, tobacco. or other merchandise shipped or transported or purchased or sold in violation thereof, will be forfeited to the United States. If any false statement be made or deception practiced in obtaining an Authority, Certificate, or Permit under these Regulations, such Authority, Certificate, or Permit, and all others connected therewith or affected thereby, will be absolutely void, and all merchandise purchased or shipped under them shall be forfeited to the United States. In all cases of forfeiture, as aforesaid, immediate seizure will be made and proceedings instituted promptly for condemnation. The attention of all officers of the government, common-carriers, shippers, consignees, owners, masters, conductors, agents, drivers, and other persons connected with the transportation of merchandise, or trading therein, is particularly directed to the acts of July 13, 1861, May 20, 1862, and March 12, 1863, and to the orders of the Secretaries of War and of the Navy hereto appended.

Packages to officers and soldiers how sent.

XLI. In cases where military or naval Commanders shall have ordered all packages sent by friends to the officers and soldiers of their command to be delivered only to designated regimental or vessel officers for delivery to the proper parties, such packages may be transported, without Collector's or Surveyor's permits, by the Adams Express Com-

pany, or other carriers having authority for that purpose from the Secretary of the Treasury, on such carriers giving bond conditioned to render a true account of all such packages by them transported, and to carry no goods without proper permits, other than such packages.

XLII. The following fees are prescribed:

Fees for administering oath and certifying affidavit	10 cents.
for each Authority from agent	3 dolls.
for certificate of Local Special Agent	10 cents.
for each permit for purposes of trade	20 cents.
for each permit to purchase cotton in any insurectionary district, and to transport the same to any loyal State ..... per pound	4 cents.
for permit so to purchase and transport tobacco per hhd.	2 dolls.
for permit so to purchase or sell and transport to or from such district other products, goods, wares, or merchandise, five per centum on the sworn invoice value thereof at the place of shipment.	
for each permit for individual, family, or plantation supplies, on every purchase over $20 and not over $50,	5 cents.
" over $50 and not over $100,	10 cents.
" over $100	15 cents.

For permits for individual, family, or plantation supplies, not over twenty dollars in amount, no charge is allowed, except for revenue stamps, on affidavits and certificates in districts under restriction; and no charge, except five cents for permit and five cents for each revenue stamp on affidavit and certificate, is allowed in States declared in insurrection. When purchases are less than five dollars, the permit officer may dispense with affidavits and certificates when no ground to suspect fraud or imposition appears.

Internal revenue stamps to be attached.

XLIII. Internal revenue stamps are required by law to be attached to affidavits, certificates, and bonds, but not to any other instruments or writings provided for by these Regulations. Stamps will be furnished by the proper Special Agents at the rates fixed by the internal revenue act, namely:

For affidavits	5 cents.
For certificates of Local Special Agents or Collectors and Surveyors	5 cents.
For bonds	25 cents.

Officers to keep record of permits and fees received, and make reports.

XLIV. Every officer authorized by the Secretary of the Treasury to grant permits under these Regulations shall keep in his office a record of every permit granted by him, showing the names of the owner, shipper, and consignee, the place from and to which each transportation is permitted, the character and invoice value of the merchandise permitted, and shall transmit to the Secretary, and also to the proper Supervising Special Agent, as near as possible on the first day

of every month, a transcript of such record; and will also at the same time transmit to the Supervising Special Agent an abstract statement showing the permits granted daily to parts of States not declared in insurrection but in which trade is restricted, and also showing the permits granted daily to States declared in insurrection, with the invoice value of the merchandise permitted, the fees received, and the disposition made of the same, together with the names of all Agency Aids reporting to him, and the compensation paid to each.

Supervising, Assistant, and Local Special Agents to pay over money as received.

XLV. All money received by each Assistant or Local Special Agent shall be paid over as promptly as possible to the Supervising Special Agent, or to an Assistant Treasurer or Designated Depository as directed by him, and so that all receipts during each month shall be paid over before the making of his required monthly report; and all money received by each Supervising Special Agent or Collector, Surveyor, or other officer authorized to grant permits, under these Regulations, shall be promptly paid over to the Assistant Treasurer or Designated Depository most convenient to him, and so that all receipts for each month shall be so paid over before the making of his monthly report.

Officers authorized to receive money to report on first of each month.

XLVI. Every officer authorized to receive money under these Regulations shall transmit to the Secretary on the first of each month a report, stating in detail all moneys so received by him during the preceding month, and from what sources received, together with all expenses of his office incidental to the execution of these Regulations; and if any money has been paid out or otherwise disposed of by him during the month, an account thereof, and by what authority, to whom, or for what purpose it was so paid or disposed of. with the vouchers therefor. A duplicate of this report and account shall at the same time be transmitted to the Supervising Special Agent for the Agency in which it shall be made, and a triplicate to the Commissioner of Customs.

Assistant Special Agents shall keep record, &c.

XLVII. Assistant Special Agents shall keep a record of all their official transactions, showing specifically and in detail every Authority given to traders, (Reg. XIV;) every Authority for the purchase of products, (XX;) every inspection of trade store, and the results thereof, (XV;) all appointments of Agency Aids on cars, vessels, and boats, and the compensation of each, (XXX;) all seizures in cases of excess or evasion of permits to blockaded ports, (XXXII;) all seizures or detentions of vessels or vehicles departing, or attempting to depart, when clearance has been refused, (XXXVI;) all cases of security required when goods found in danger of being transported to insurgents, and if security not given, the action taken by them, (XXXVII;) all fees received for affidavits, Authorities to traders, and for the purchase of products, and from whom, and for what received, (XIV, XX, XLII.) And they shall,

on the first day of every month, transmit to the proper Supervising Special Agent a transcript of such record, and all bonds or securities received by them under these Regulations, (XIV, XX, XXXVII.)

Local Special Agents shall keep a record, &c.

XLVIII. Local Special Agents shall keep a record of every Authority to trade or to purchase products presented by the holder thereof, and of all certificates given to traders, or for permits to purchase and transport products, (Reg. XIV;) of all permits for purchase and transportation of supplies from trade store, and certificates to buy supplies elsewhere than in trade district, (XVI;) of all permits granted where there is no Collector or Surveyor within five miles of trade store, (XVII;) of all certificates to persons bringing products to market and taking back supplies, (XIX;) of all excess or evasion of permits in shipments to blockaded ports, and their action thereon, (XXXII;) of all cases of bonds required of owners or holders of goods in danger of being transported to insurgents, and their action where bond not given, (XXXVII;) of all permits under Regulations XVI and XVII, showing all that is required by those Regulations and of all fees required for certificates, affidavits, and permits, (XII, XVI, XVII, XIX, XLII) And they will also, as nearly as possible on the first day of every month, transmit to the proper Supervising Special Agent a transcript of such record, and will deliver to such Agent all bonds or securities received by them under these Regulations, (XXXVII.)

Supervising Special Agents shall keep record, &c.

XLIX. Supervising Special Agents shall keep a record of all their official transactions, showing fully the name and location of each Local Special Agent and Agency Aid appointed by them, and the compensation of each, (Reg. IV;) of conferences with Generals commanding Departments and designations of trade and supply districts, (IX, X;) of all Authorities given for trade stores, stating the date, name of trader, locality, and amount of goods authorized, (XIV;) of the inspection of trade stores and the results, (XV;) of all trade stores authorized in any city or town of a supply district, the date, name of trader, and amount of goods authorized, and of the discontinuance of any such store, (XVIII;) of all Authorities given for the purchase of products, to whom given, and the locality where purchases are to be made, (XX;) of all revocations of Authorities, Certificates, and Permits, (XXIII;) of all information touching any goods or transactions given to other officers of the department, (XXVII;) of all appointments of Agency Aids upon cars, vessels, and boats, (XXX;) of all seizures and detentions of vessels or vehicles departing, or attempting to depart, after clearance has been refused, (XXXVI;) of all securities required and received of owners or holders of goods in danger of being transported to insurgents, and of their action if security was not given, (XXXVII.) And on the first day of every month, as nearly as possible, they shall transmit to this Department a transcript of such record for the previous month, together with a copy of the transcripts of records and a statement of all bonds and securities received by them from Assistant and Local Special Agents.

Regulations supersede all others.

L. These Regulations shall supersede those of March 31, 1863, and all others conflicting herewith, affecting commercial intercourse with States declared in insurrection; and all permits hereafter granted by any officer of the Treasury Department will be granted in pursuance of them and of the Local Rules authorized by them, or by virtue of authority hereafter given by the Secretary of the Treasury; but all permits granted and acts done in pursuance of former Regulations shall be valid and effectual until the 15th day of October, 1863, unless the Regulations shall have been sooner received and made known at the place of such permits or acts.

REGULATIONS

PRESCRIBED BY THE SECRETARY OF THE TREASURY FOR THE GOVERNMENT OF THE SEVERAL SPECIAL AGENTS AND AGENCY AIDS APPOINTED IN PURSUANCE OF THE ACT OF 12TH MARCH, 1863, ENTITLED "AN ACT TO PROVIDE FOR THE COLLECTION OF ABANDONED PROPERTY, AND FOR THE PREVENTION OF FRAUDS IN INSURRECTIONARY DISTRICTS WITHIN THE UNITED STATES."

Territory divided into districts called Special Agencies.

I. The territory of the United States designated as in insurrection against the lawful government of the United States by the Proclamation of the President, July 1, 1862, to which Special Agents have been assigned to receive and collect abandoned and captured property, is divided into districts called Special Agencies, numerically designated and described as follows, viz :

Special Agencies named and described.

The First Special Agency comprises the district of the United States west of the Alleghany mountains, known as the Valley of the Mississippi, and extending southward so as to include so much of the States of Alabama, Mississippi, Arkansas, and Louisiana, as is or may be occupied by national forces operating from the North.

The Second Special Agency comprises the State of Virginia and so much of West Virginia as lies east of the Alleghany mountains.

The Third Special Agency comprises the State of North Carolina.

The Fourth Special Agency comprises the States of South Carolina, Georgia, and Florida.

The Fifth Special Agency comprises the States of Texas and Louisiana, and so much of the States of Arkansas, Alabama and Mississippi, as is or may be within the lines of the national forces operating from the South.

If additional Special Agencies shall be established, they will be numerically designated in the order of their establishment. And if the boundaries of agencies already established shall be changed, due notice thereof will be given.

Designation of agents.

II. Supervising Special Agents and Assistant Special Agents will be appointed by the Secretary of the Treasury, and Local Special Agents and Agency Aids will be appointed by Supervising Special Agents, or under their direction by Assistant Special Agents, subject to the approval of the Secretary, to carry into effect the said Act and these Regulations.

III. Supervising and Assistant Special Agents are authorized and directed to receive and collect all abandoned and captured property found within their respective Agencies and within the lines of military occupation by the United States forces, except such as has been used or was intended to be used for waging or carrying on war against the United States, viz: arms, ordnance, ships, steamboats or other water craft and their furniture, forage, military supplies, and munitions of war.

Agents authorized and directed to collect and receive all abandoned property.

IV. Abandoned property is of two descriptions:

First; That which has been or may be deserted by the owners; and,

Second; That which has been or may be voluntarily abandoned by the owners to the civil or military authorities of the United States.

Abandoned and captured property.

Captured property is that which has been or may be seized or taken from hostile possession by the military or naval forces of the United States.

V. Supervising and Assistant Special Agents will exercise due diligence in receiving and collecting, within the Agency to which they have been respectively assigned, all abandoned and captured property; and on taking possession of any such property, will immediately make and keep a full and correct record of all the facts or information in regard to each case or lot known or accessible to them, including, as nearly as possible, the following: the character and quantity of the property received or collected; where captured, or found or received as abandoned; under what circumstances; by whom owned or alleged to be owned; noting, where practicable, the name and address of one or more truthful residents of the neighborhood acquainted with the property and the owner or claimant thereof, and any statements they may make in connexion therewith; by whom such property was captured or abandoned; by whom received or collected; from whom received; all names, marks, signs, or devices, (whether distinct, indistinct, or partially erased,) upon such property; together with all other information which may in any way serve to identify or make known the history of any particular lot, or to trace the same, or the proceeds thereof, from the earliest period possible to its final disposition.

Special Agents will collect and receive property, and make and keep a true record and account of expenses.

They will also charge against each lot and keep a true and detailed account in triplicate of each item of expense incurred in its collection, transportation, care and sale; or where two or more lots are treated together, a fair and just proportion against each, as well as all fees due in any way to the government thereon.

One copy of this record will be promptly transmitted to the Supervising Special Agent, to whom or to whose order the property

so received and collected will be delivered, another to the Secretary of the Treasury, and the third will be retained by the Assistant Special Agents for their files.

VI. Supervising and Assistant Special Agents will receive within their respective Agencies any property from persons who offer voluntarily to abandon the same; and shall give a receipt therefor to the person so abandoning it, or to his or her agent, in the following form:

Agents will receive voluntarily abandoned property, and give receipts, and take stipulations.

"Received of . . . . . , of the county of . . . . , in the State of . . . . . estimated at $ . . , claimed by . . . , as the owner thereof and numbered as follows:

. . . . . ; which, as Special Agent of the Treasury Department, at the request of . . . . . I have received as abandoned property, to be forwarded to . . . . . , and disposed of in accordance with the act of Congress, approved March 12, 1863."

And shall make three copies of said receipt, of which he shall send one to the Secretary of the Treasury, one to the Supervising Special Agent, and keep one for his files; and in all cases of so receiving voluntarily abandoned property, the Agent shall require from the owner or person so abandoning it a statement and stipulation in triplicate in the following form:

". . . . . , Special Agent of the Treasury Department, has this day received from me as abandoned property . . . . . marked and numbered as follows:

. . . . . which the said . . . . . has received at my request, to be transported to the Special Agent of the government in the city of . . . . . , appointed to receive and dispose of such property, subject to the deductions prescribed by the act approved March 12, 1862, and the fees designated by the XIV Regulation prescribed by the Secretary of the Treasury, September 11, 1863.

And I hereby acquit and discharge the said . . . . . , and all other officers of the government, from all personal liability on account of the said property, except such as may result from an unfaithful discharge of their duties in transporting or disposing of it.

And in case of any loss or damage to the said property in its transportation or otherwise, neither the government of the United States nor any of its Agents shall be held responsible therefor."

A record of all property so received and of the expenses incurred in connexion therewith shall be made and copies transmitted, and the property shall be disposed of, in the manner prescribed in Regulation V.

VII. Supervising and Assistant Special Agents will receive and collect abandoned property from any officer or private of the regular or volunteer forces of the United States, or any officer, sailor, or marine in the naval service of the United States, upon the inland waters of the United States, who may take or receive any such abandoned property, from persons in such insurrectionary districts, or have it under their control, and such Supervising or Assistant Special Agent will, in all such cases, give a receipt therefor in the following form :

Agents to collect and receive from officers and privates, sailors or marines, abandoned property, and give receipt.

"Received . . . . . of . . . . . estimated at $ . . . . . taken or received and held by him as abandoned property in such insurrectionary district and claimed to be the property of . . . . . and turned over to me by said . . . . . which property I have received as Agent of the Treasury Department, appointed in pursuance of certain acts of Congress, approved July 13, 1861, May 20, 1862, and March 12, 1863. The said property to be transported and disposed of under the Regulations of the Secretary of the Treasury prescribed in pursuance of the authority conferred on him by said acts."

Three copies of said receipt shall be made, one of which shall be transmitted to the Secretary of the Treasury, one to the Supervising Special Agent, and one shall be retained by the Agent giving the receipt; and a record of the property so collected and received shall be made, and copies transmitted, and the property disposed of, as directed in Regulation V.

VIII. Supervising and Assistant Special Agents will collect and receive of any officer or private, or person employed in or with the regular or volunteer forces of the United States, any property held by him which shall have been captured in any district declared to be in insurrection against the United States, except such as shall be required for military use of the United States forces; and all property so held by them shall be received by the Agent as captured property, leaving all questions concerning the class to which it belongs for after consideration; and they shall also receive with such property the necessary invoices thereof, and all receipts, bills of lading, and other papers, documents, and vouchers, showing title to such property or the right to the possession, control, or direction thereof, and such order, indorsement, or writing as the party has power to make, to enable such Agent to take possession of such property or the proceeds thereof.

Captured property in hands of officers or others to be turned over and receipt given.

And he will give to the officer, private, or person from whom any property is so received, a receipt in the form following:

"Received of . . . . . .
. . . . . .
estimated at $ . . . . . .
. . . . . .
captured by the forces of the United States, and claimed to be the property of . . . .
. . . . . .
which property I have received as Special Agent of the Treasury Department, appointed in pursuance of certain acts of Congress, approved July 13, 1861, May 20, 1862, and March 12, 1863. The said property to be transported and disposed of under the regulations of the Secretary of the Treasury prescribed in pursuance of the authority conferred on him by said acts."

And a record of the property so collected and received shall be made, and copies transmitted, and the property disposed of, as directed in Regulation V.

Property required for public use to be appraised and delivered over.

IX. When any part of the goods or property received or collected by any Supervising or Assistant Special Agent is demanded for public use, and a requisition therefor is presented, signed by the General commanding Department, or by some other officer authorized by such Commander of Department, the Special Agent having such property in charge shall select three competent and disinterested persons, to be approved by such officer, who shall make oath for the faithful discharge of their duties, and who shall appraise said goods or property, and make a certificate thereof in the following form:

"The undersigned having been appointed by . . . . . Supervising or Assistant Special Agent, to appraise certain property alleged to have been collected or received as abandoned or captured by . . . . . Supervising Special Agent or Assistant Special Agent of the Treasury Department, having each of us made oath for the faithful discharge of our duty as such appraisers, do certify that we have carefully examined and appraised the following described property, to wit:
. . . . . .
and that said property is worth . . . . . .
. . . . . }
. . . . . } Appraisers."
. . . . . }

Which certificate shall be certified by the Special Agent and by the officer receiving said property; and the goods or property so appraised shall be delivered over to the officer appointed to receive it; and the Special Agent shall in all such cases require from the officer or agent receiving said goods or property a receipt in the following form:

"Received of . . . . . .
. . . . . .
. . . . . alleged to have been collected or received by him as abandoned or captured, and which has been this day appraised by . . . . . .
. . . . . .
appraisers appointed with my approval, to be worth . . . dollars, which property has been delivered to me by said Agent to be appropriated to the public use, as provided in the second section of the Act of Congress, approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property, and the prevention of frauds in insurrectionary districts within the United States.'"

And he shall keep a record of all expenses incurred on account of said property; and if he be an Assistant Special Agent, he shall promptly transmit a full report of such appraisal proceedings and copies of all papers in the case, as prescribed and directed in Regulation V.

Disposition of perishable property and such as cannot be transported.

X. In all cases where property of a perishable nature, whether captured or abandoned, shall be collected or received by the proper Agents of this Department, and its immediate sale is required by the interest of all concerned, such Agent shall, where practicable, forward it without delay to the nearest place designated by the Secretary or by Regulation as a place of sale within a loyal State, consigned to the proper officer of this Department, who shall forthwith cause it to be sold at auction to the highest bidder; all such shipments to be accompanied by a statement as required by Regulation V.

If, from the character of the property, it shall be impracticable so to transport it, the Agent shall cause the same to be appraised by three disinterested persons, and to be sold at public auction, and promptly transmit a full report, as prescribed by Regulation V, together with the certificate of appraisal, taken in triplicate, and the account of sales, and hold the proceeds subject to the direction of the Supervising Special Agent for that Agency.

House furniture and family effects.

XI. In case of furniture, family pictures, equipage, clothing, or household effects, abandoned or captured, and collected or received by Special Agents, they will cause the prescribed record thereof to be made and transmitted, and will store such property on the premises where found, whenever it can be done with safety; otherwise they will cause it to be securely stored and properly marked and numbered, and report the facts to the Supervising Special Agent, and await further directions. If left on the premises they will take a receipt therefor from the Agent, or person in possession, and transmit the same with the record. When such property cannot be safely left on the premises or stored with safety and due regard to economy, the Special Agent in charge shall cause the same to be appraised, disposed of, and reported, as provided in Regulation X, as to untransportable property. In case such property is in use at hospitals, or for any military purpose, they will cause such property to be appraised and treated as property required for public use, as directed in Regulation IX.

Supervising Special Agents may contract for collecting and delivery of property by other parties.

XII. When property is liable to be lost or destroyed in consequence of its location being unknown to the Special Agents, or from other causes, and parties propose, for compensation, to collect and deliver it into the hands of such agents at points designated by them, Supervising Special Agents may contract, on behalf of the United States, for the collection and delivery to them of such property in their respective agencies, on the best possible terms, not exceeding twenty-five per cent. of the pro-

ceeds of the property, which percentage must be full compensation for all expenses, of whatever character, incurred in collecting, preparing, and delivering such property at the points designated. Prior to any such contract being made, the party proposing must submit in writing a statement of the kind and amount of property proposed to be collected, the locality whence to be obtained, and all the facts and circumstances connected with it, particularly as to its ownership. And any contract made in pursuance of this regulation must be in writing, and restricted to the collection and delivery of particular lots at named localities; or, when circumstances clearly justify it, to the general collection and delivery of all abandoned property in limited districts not greater in any case than one parish or county, and not more than one district to be assigned to one contractor.

Bond to be given by contractor indemnifying the government.

Before payment to any contractor under any contract made in pursuance of this regulation, he shall execute a bond, with penalty equal to the amount stipulated to be paid to him, and with sureties satisfactory to the Supervising Special Agent, indemnifying the United States against all claims to the property delivered on account of damages by trespass, or otherwise occasioned by the act or connivance of the contractor, and against all claims that may arise on account of expenses incurred in the collection, preparation, and transportation of said property to the points designated in said contract.

When larger percentage seems to be proper, agent to refer the case to the Secretary.

Should a case arise in the opinion of the Supervising Special Agent justifying the payment of a larger percentage than one quarter of the proceeds of the property, he will make a statement of the facts and circumstances and the reasons in his opinion justifying such additional allowance, and refer the same to the Secretary for instructions.

Local Special Agents and Agency Aids to be appointed.

And for the purpose of getting possession of and transporting to market as much of the captured and abandoned property as possible within the lines of the military forces of the United States, Supervising Special Agents or Assistant Special Agents under their direction, will appoint and employ in their respective Agencies, at such per diem compensation as may be judged proper, subject to approval of the Secretary of the Treasury, such Local Special Agents and Agency Aids as may be necessary therefor, instructing them fully as to the execution of the duties respectively assigned to them.

Agents not to release property, or permit its removal, or grant personal favors, or incur liabilities not authorized by regulations.

XIII. No property collected or received as captured or abandoned under the act of March 12, 1863, shall be released by any Agent except by special authority from the Secretary of the Treasury to any persons claiming ownership of such property; nor shall any permit be given by such Agents to individuals to remove such property; nor shall any liability be incurred or assumed, or contract be made on the part the United States by such Agents, except as authorized by these Regulations. No personal favor shall in any case be extended to one individual or party rather than another.

Necessary expenses to be paid.

XIV. Supervising Special Agents will pay or cause to be paid, out of the general fund arising from the sale of all property collected and received in their respective Agencies, all expenses necessarily incurred in collecting, receiving, securing, and disposing of the same, including fees, taxes, freights, storage, charges, labor, and other necessary expenses, being careful to avoid all useless or indiscreet expenditures; and will charge each particular lot or parcel with the specific or proportionate amount of all such expenses as can be made specific or proportionate charges to each lot or parcel; and will also charge and retain out of the proceeds of each lot or parcel one and one half per centum thereof for the payment of such expenses connected with the collection, transportation, and sale, or other disposition thereof, as cannot be made specific or proportionate charges against each lot or parcel, or are not otherwise provided for, such as rents, compensation to clerks, or other employés, auctioneers, printing, and advertising, a carefully stated account of which will be kept by such Agents, showing in detail all expenses paid out of this fund arising from such charge; and unless unavoidably prevented, they will take vouchers for all expenditures made under this Regulation, and transmit the same with their accounts. Of the balance, if any, of said one and one half per cent. remaining after defraying said expenses the several Supervising Special Agents may retain as compensation for extra care and responsibility a sum not exceeding one half of one per cent.; and with the remainder, if any, may reward extra services in collection and care of property, rendered by Agents and others.

Property to be transported to loyal States and sold at auction.

XV. All property collected and received, other than such as is described in Regulations X and XI, and such as may be appropriated to public use, shall be transported to such places in the loyal States as shall be designated by the Secretary of the Treasury, as places of sale, consigned to the Supervising Special Agent of the Agency in which it is collected or received, or to such other person as shall be specially authorized by the Secretary to receive the same, and shall there be sold by such Supervising Special Agent, or other person, at public auction to the highest bidder, for United States notes, pursuant to notice previously published of the time and place of sale.

Supervising Special Agents to make report.

XVI. Each Supervising Special Agent or other person, as aforesaid, shall make a full record of each lot or parcel of property coming to his possession, in the manner prescribed by Regulation V, and report the same, and all sales or other disposition thereof, made by him, rendering a monthly account current of all his transactions to the Secretary, accompanying the same with receipts or other vouchers for all moneys paid out by him. All balances remaining in his hands shall be deposited in the Treasury from time to time, as directed by the Secretary.

PROCLAMATIONS OF THE PRESIDENT.

AUGUST 16, 1861.

By the President of the United States of America.

A PROCLAMATION.

Whereas, on the fifteenth day of April, eighteen hundred and sixty-one, the President of the United States, in view of an insurrection against the Laws, Constitution, and Government of the United States, which had broken out within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and in pursuance of the provisions of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, did call forth the militia to suppress said insurrection, and to cause the laws of the Union to be duly executed, and the insurgents have failed to disperse by the time directed by the President; and whereas such insurrection has since broken out, and yet exists, within the States of Virginia, North Carolina, Tennessee, and Arkansas; and whereas the insurgents in all the said States claim to act under the authority thereof, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combinations exist, nor has such insurrection been suppressed by said States:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, in pursuance of an act of Congress approved July thirteen, eighteen hundred and sixty-one, do hereby declare that the inhabitants of the said States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida, (except the inhabitants of that part of the State of Virginia lying west of the Alleghany mountains, and of such other parts of that State and the other States hereinbefore named as may maintain a loyal adhesion to the Union and the Constitution, or may be, from time to time, occupied and controlled by forces of the United States engaged in the dispersion of said insurgents,) are in a state of insurrection against the United States, and that all commercial intercourse between the same and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed; that all goods and chattels, wares and merchandise, coming from any of said States, with the exceptions aforesaid, into other parts of the United States, without the special license and permission of the President, through

the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same, or conveying persons to or from said States, with said exceptions, will be forfeited to the United States; and that, from and after fifteen days from the issuing of this Proclamation, all ships and vessels belonging in whole or in part to any citizen or inhabitant of any of said States, with said exceptions, found at sea, or in any port of the United States, will be forfeited to the United States; and I hereby enjoin upon all district attorneys, marshals, and officers of the revenue and of the military and naval forces of the United States to be vigilant in the execution of said act, and in the enforcement of the penalties and forfeitures imposed or declared by it; leaving any party who may think himself aggrieved thereby to his application to the Secretary of the Treasury for the remission of any penalty or forfeiture, which the said Secretary is authorized by law to grant if, in his judgment, the special circumstances of any case shall require such remission.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this sixteenth day of August, in [L. S.] the year of our Lord eighteen hundred and sixty-one, and of the Independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

JULY 1, 1862.

By the President of the United States.

A PROCLAMATION.

Whereas, in and by the second section of an act of Congress passed on the 7th day of June, A. D. 1862, entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," it is made the duty of the President to declare, on or before the first day of July then next following, by his proclamation, in what State and parts of States insurrection exists:

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do hereby declare and proclaim that the States of South Carolina, Florida, Georgia, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee, North Carolina, and the State of Virginia, except the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmore, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason. Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Webster, Fayette, and Raleigh, are now in insurrection and rebellion, and by reason thereof the civil authority of the United States is obstructed so that the provisions of the

"Act to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes," approved August fifth, eighteen hundred and sixty-one, cannot be peaceably executed, and that the taxes legally chargeable upon real estate under the act last aforesaid, lying within the States and parts of States as aforesaid, together with a penalty of fifty per centum of said taxes, shall be a lien upon the tracts or lots of the same, severally charged, till paid.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of July, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States of America the eighty-sixth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

MARCH 31, 1863.

By the President of the United States of America.

A PROCLAMATION.

Whereas, in pursuance of the act of Congress approved July 13, 1861, I did, by proclamation, dated August 16, 1861, declare that the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of Virginia lying west of the Alleghany mountains, and of such other parts of that State, and the other States hereinbefore named as might maintain a loyal adhesion to the Union and the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of said insurgents) were in a state of insurrection against the United States, and that all commercial intercourse between the same and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States, was unlawful, and would remain unlawful until such insurrection should cease or be suppressed, and that all goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, without the license and permission of the President, through the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same to or from said States, with the exceptions aforesaid, would be forfeited to the United States.

And whereas experience has shown that the exceptions made in and by said proclamation embarrass the due enforcement of said act of July 13, 1861, and the proper regulation of the commercial intercourse authorized by said act with the loyal citizens of said States:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby revoke the said exceptions, and declare that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and except, also, the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) are in a state of insurrection against the United States, and that all commercial intercourse, not licensed and conducted as provided in said act, between the said States and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by proclamation ; and all cotton, tobacco, and other products, and all other goods and chattels, wares, and merchandise coming from any of said States, with the exceptions aforesaid, into other parts of the United States, or proceeding to any of said States, with the exceptions aforesaid, without the license and permisison of the President, through the Secretary of the Treasury, will, together with the vessel or vehicle conveying the same, be forfeited to the United States.

In witness whereof I have hereunto set my hand and caused the [L. S.] seal of the United States to be affixed. Done at the city of Washington, this thirty-first day of March, A. D. 1863, and of the independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President :
WILLIAM H. SEWARD,
Secretary of State.

LICENSE OF TRADE BY THE PRESIDENT.

WASHINGTON, EXECUTIVE MANSION,
March 31, 1863.

Whereas, by the act of Congress approved July 13, 1861, entitled "An act to provide for the collection of duties on imports, and for other purposes," all commercial intercourse between the inhabitants of such States as should by proclamation be declared in insurrection against the United States and the citizens of the rest of the United States was prohibited so long as such condition of hostility should continue, except as the same shall be licensed and permitted by the President to be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury; and whereas it appears that a partial restoration of such intercourse between the inhabitants of sundry places and sections heretofore declared in insurrection in pursuance of said act and the citizens of the rest of the United States will favorably affect the public interests:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, exercising the authority and discretion confided to me by the said act of Congress, do hereby license and permit such commercial intercourse between the citizens of loyal States and the inhabitants of such insurrectionary States in the cases and under the restrictions described and expressed in the regulations prescribed by the Secretary of the Treasury, bearing even date with these presents, or in such other regulations as he may hereafter, with my approval, prescribe.

ABRAHAM LINCOLN.

ACTS OF CONGRESS.

AN ACT

Further to provide for the collection of duties on imports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks, as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted*, That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel, shall desire to enter a port of entry in any other district of the United States where no such obstructions to the execution of the laws exist, the

master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And provided, further*, That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted*, That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary, for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. *And be it further enacted*, That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing section of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry, shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted*, That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclama-

tion, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States: *Provided, however*, That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers, at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted*, That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted*, That, in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted, in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken

and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

Approved July 13, 1861.

AN ACT

Supplementary to an act approved on the thirteenth July, eighteen hundred and sixty-one, entitled "An act to provide for the collection of duties on imports, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, in addition to the powers conferred upon him by the act of the thirteenth July, eighteen hundred and sixty-one, be, and he is hereby, authorized to refuse a clearance to any vessel or other vehicle laden with goods, wares, or merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such goods, wares, or merchandise, or any part thereof, whatever may be their ostensible destination, are intended for ports or places in possession or under control of insurgents against the United States; and if any vessel or other vehicle for which a clearance or permit shall have been refused by the Secretary of the Treasury, or by his order, as aforesaid, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel or other vehicle, with her tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 2. *And be it further enacted*, That whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he shall deem it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the said cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, further empowered to prohibit and prevent the transportation in any vessel or upon any railroad, turnpike, or other road or means of transportation within the United States, of any goods, wares, or merchandise, of whatever character, and whatever may be the ostensible destination of the same, in all cases where there shall be satisfactory reasons to believe that such goods, wares, or merchandise are intended for any place in the possession or under the control of insurgents against the United States; or that there is imminent danger that such goods, wares, or merchandise will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he shall deem it expedient

so to do, to require reasonable security to be given that goods, wares, or merchandise shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this act; and if any goods, wares, or merchandise shall be transported in violation of this act, or of any regulation of the Secretary of the Tresury, established in pursuance thereof, or if any attempt shall be made so to transport them, all goods, wares, or merchandise so transported or attempted to be transported shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, That the proceedings for the penalties and forfeitures accruing under this act may be pursued, and the same may be mitigated or remitted by the Secretary of the Treasury in the modes prescribed by the eighth and ninth sections of the act of July thirteenth, eighteen hundred and sixty-one, to which this act is supplementary.

SEC. 5. *And be it further enacted*, That the proceeds of all penalties and forfeitures incurred under this act, or the act to which this is supplementary, shall be distributed in the manner provided by the ninety-first section of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage."

Approved May 20, 1862.

AN ACT

To provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Secretary of the Treasury, from and after the passage of this act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States, designated as in insurrection against the lawful government of the United States by the proclamation of the President of July first, eighteen hundred and sixty-two: *Provided*, That such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war.

SEC. 2. *And be it further enacted*, That any part of the goods or property received or collected by such agent or agents may be appropriated to public use on due appraisement and certificate thereof, or forwarded to any place of sale within the loyal States, as the public

interests may require; and all sales of such property shall be at auction to the highest bidder, and the proceeds thereof shall be paid into the treasury of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the treasury may require the special agents appointed under this act to give a bond with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof.

SEC. 4. *And be it further enacted*, That all property coming into any of the United States not declared in insurrection as aforesaid, from within any of the States declared in insurrection, through or by any other person than any agent duly appointed under the provisions of this act, or under a lawful clearance by the proper officer of the Treasury Department, shall be confiscated to the use of the government of the United States. And the proceedings for the condemnation and sale of any such property shall be instituted and conducted under the direction of the Secretary of the Treasury, in the mode prescribed by the eighty-ninth and ninetieth sections of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage." And any agent or agents, person or persons, by or through whom such property shall come within the lines of the United States unlawfully, as aforesaid, shall be judged guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisonment for any time not exceeding one year, or both, at the discretion of the court. And the fines, penalties, and forfeitures accruing under this act may be mitigated or remitted in the mode prescribed by the act of March three, seventeen hundred and ninety-seven, or in such manner, in special cases, as the Secretary of the Treasury may prescribe.

SEC. 5. *And be it further enacted*, That the fifth section of the "Act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, eighteen hundred and sixty-two, shall be so construed as to allow the temporary officers which had been or may be appointed at ports which have been or may be opened or established in States declared to be in insurrection by the proclamation of the

President on the first of July, eighteen hundred and sixty-two, the same compensation which by law is allowed to permanent officers of the same position, or the ordinary compensation of special agents, as the Secretary of the Treasury may determine.

SEC. 6. *And be it further enacted*, That it shall be the duty of every officer or private of the regular or volunteer forces of the United States, or any officer, sailor, or marine in the naval service of the United States upon the inland waters of the United States, who may take or receive any such abandoned property, or cotton, sugar, rice, or tobacco, from persons in such insurrectionary districts, or have it under his control, to turn the same over to an agent appointed as aforesaid, who shall give a receipt therefor; and in case he shall refuse or neglect so to do, he shall be tried by a court-martial and shall be dismissed from the service, or, if an officer, reduced to the ranks, or suffer such other punishment as said court shall order, with the approval of the President of the United States.

SEC. 7. *And be it further enacted*, That none of the provisions of this act shall apply to any lawful maritime prize by the naval forces of the United States.

Approved March 12, 1863.

ORDER

OF THE

SECRETARY OF WAR.

General Orders No. 88.]

WAR DEPARTMENT,
Washington, March 31. 1863.

For the purpose of more effectually preventing all commercial intercourse with insurrectionary States, except such as shall be authorized in pursuance of law, and of securing consistent, uniform, and efficient action in conducting such intercourse as shall be so authorized, and for the purpose of carrying out the provisions of an act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary States," approved March 12, 1863, it is hereby ordered—

I.

That no officer of the army of the United States, nor other person connected therewith, shall authorize or have any interest in the transportation of any goods, wares, or merchandise (except supplies belonging to or contracted for by the United States, designed for the military or naval forces thereof, and moving under military or naval orders, and except, also, sutlers' supplies and other things necessary for the use and comfort of the troops of the United States, and moving under permits of the authorized officers of the Treasury Department) into any State declared by the President to be in insurrection; nor authorize nor have any interest in the purchase or sale therein of any goods or chattels wares or merchandise, cotton, tobacco, or other product of the soil thereof; nor the transportation of the same, except as aforesaid, therefrom or therein; nor shall any such officer or person authorize, prohibit, or in any manner interfere with any such purchase or sale or transportation, which shall be conducted under the regulations of the Secretary of the Treasury, unless under some imperative military necessity, in the place or section where the same shall be conducted, or unless requested by an agent or some other authorized officer of the Treasury Department, in which case all commanders of military departments, districts, and posts, will render such aid in carrying out the provisions of the said act, and in enforcing due observance of the said regulations of the Secretary of the Treasury, as can be given without manifest injury to the public service.

II.

It is further ordered that every officer or private, or person employed in or with the regular or volunteer forces of the United States, who may receive or have under his control any property which shall have been abandoned by the owner or owners, or captured in any district declared to be in insurrection against the United States, including all property seized under military orders, excepting only such as shall be required for military use of the United States forces, shall promptly turn over all such property to the agent appointed by the Secretary of the Treasury to receive the same, who shall give duplicate receipts therefor.

And every such officer or private, or person employed in or with the regular or volunteer forces of the United States, shall also promptly turn over to such agent, in like manner, all receipts, bills of lading, and other papers, documents, and vouchers showing title to such property, or the right to the possession, control, or direction thereof; and he shall make such order, indorsement, or writing as he has power to make, to enable such agent to take possession of such property or the proceeds thereof. Arms, munitions of war, forage, horses, mules, wagons, beef cattle, and supplies which are necessary in military operations, shall be turned over to the proper officers of the ordnance, or of the quartermaster, or of the commissary departments, respectively, for the use of the army. All other property abandoned or captured or seized, as aforesaid, shall be delivered to the agent appointed by the Secretary of the Treasury.

The officer receiving or turning over such property shall give the usual and necessary invoices, receipts, or vouchers therefor, and shall make regular returns thereof, as prescribed by the army regulations. The receipts of the agents of the Treasury Department shall be vouchers for all property delivered to them, and whenever called upon by the agent of the Treasury Department authorized to receive such abandoned or captured or seized property, as aforesaid, or the proceeds thereof, all persons employed in the military service will give him full information in regard thereto; and if requested by him so to do, they shall give him duplicates or copies of the reports and returns thereof, and of the receipts, invoices, and vouchers therefor.

And every officer of the army of the United States, hereafter receiving abandoned or captured or seized property, or the proceeds thereof, or under whose order it may be applied to the use of the military forces, as aforesaid, shall, upon request of a duly authorized agent of the Treasury Department, render a written report, with invoices thereof, to said agent, in which he will specify the arms, supplies, or other munitions of war, retained for the use of the military forces, as aforesaid, and also, separately, the property turned over to said agent, or which may have been sold or otherwise disposed of.

And in case a sale of any such propery shall be made under his authority, or under the authority of any one subject to his order, he will so state, and will describe the property so sold, and will state

when and where and by and to whom sold, and the amount received therefor, and what disposition was made of the proceeds.

And all officers of the army of the United States will at all times render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to take possession of and transport all such property, so far as can be done without manifest injury to the public service.

III.

All commanders of military departments, districts, and posts, will, upon receipt of this order, revoke all existing orders within their respective commands conflicting or inconsistent herewith, or which permit or prohibit or in any manner interfere with any trade or transportation conducted under the regulations of the Secretary of the Treasury; andtheir attention is particularly directed to said regulations, prescribed March 31, 1863, and they will respectively make such orders as will insure strict observance of this order throughout their respective commands.

All expenses of transporting property herein referred to will be reported by the officers of the quartermaster's department, who furnish such transportation, to the agents of the Treasury Department, and also, through the ordinary channels, to the quartermaster general at Washington, in order that the said expenses may be reimbursed from the proceeds of sales of such transported property.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
September 11, 1863.

The attention of all officers and soldiers of the Army of the United States, whether volunteer or regular, is specially directed to the Revised Regulations of the Secretary of the Treasury, approved by the President, dated September 11, 1863, and superseding the Regulations of March 31, 1863; and they will in all respects observe General Order of this Department, numbered eighty-eight, and dated March 31, 1863, in regard to said Revised Regulations, as if the same had been originally framed and promulgated with reference to them.

EDWIN M. STANTON,
Secretary of War.

ORDER

OF THE

SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
Washington, March 31, 1863.

For the purpose of more effectually preventing all commercial intercourse with insurrectionary States, except such as shall be authorized in pursuance of law, and of securing consistent, uniform, and efficient action in conducting such intercourse as shall be so authorized, and for the purpose of carrying out the provisions of an act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary States," approved March 12, 1863, it is hereby ordered—

I.

That no officer of the navy of the United States, nor other person connected therewith, shall authorize or have any interest in the transportation of any goods, wares, or merchandise (except supplies belonging to or contracted for by the United States, designed for the military or naval forces thereof, and moving under military or naval orders, and except also sutlers' supplies and other things necessary for the use and comfort of the naval forces of the United States, and moving under permits of the authorized officers of the Treasury Department) into any State declared by the President to be in insurrection; nor authorize nor have any interest in the purchase or sale therein of any goods or chattels, wares or merchandise, cotton, tobacco, or other products of the soil thereof; nor the transportation of the same, except as aforesaid, therefrom or therein; nor shall any such officer or person authorize, prohibit, or in any manner interfere with any such purchase or sale or transportation which shall be conducted under the regulations of the Secretary of the Treasury, unless under some imperative military necessity in the place or section where the same shall be conducted, or unless requested by an agent or some other authorized officer of the Treasury Department, in which case all officers of the navy of the United States and other persons connected therewith will render such aid in carrying out the provisions of the said act and of the law, and in enforcing due observance of the said regulations of the Secretary of the Treasury as can be given without manifest injury to the public service.

II.

It is further ordered that every officer, sailor, or marine in the naval service of the United States who shall receive or have under his control any property which shall have been abandoned by the owner or owners, or captured in any district declared to be in insurrection against the United States, including all property seized in any such district, under naval orders, excepting only such as shall be required for the use of the naval forces of the United States, and as is excluded by the act of March 12, 1863, shall promptly turn over all such property to the agent appointed by the Secretary of the Treasury to receive the same, who shall give receipts therefor, if desired.

And every such officer, sailor, or marine shall also turn over to such agent in like manner all receipts, bills of lading, and other papers, documents, and vouchers showing title to such property, or the right to the possession, control, or direction thereof; and he shall make such order, indorsement, or writing as he has power to make to enable such agent to take possession of such property, or the proceeds thereof. Arms, munitions of war, forage, horses, mules, wagons, beef cattle, and supplies which are necessary in naval operations, shall be turned over to the proper officers for the use of the navy. All other property abandoned, captured, or seized, as aforesaid, shall be delivered to the said agent of the Treasury Department.

The officer receiving or turning over such proper , shall give the usual and necessary invoices, receipts or vouchers therefor, and shall make regular returns thereof as prescribed by the navy regulations. The receipts of the agents of the Treasury Department shall be vouchers for all property delivered to them. And whenever called upon by the said agent of the Treasury Department authorized to receive such abandoned, or captured, or seized property, as aforesaid, or the proceeds thereof, all persons employed in the naval service of the United States will give him full information in regard thereto, and if requested by him so to do, they shall give him duplicates or copies of the reports and returns thereof, and of the receipts, invoices, and vouchers therefor.

And every officer of the navy of the United States hereafter receiving abandoned, or captured, or seized property in any insurrectionary State as aforesaid, or the proceeds thereof, or under whose order it may be applied to the use of the naval forces as aforesaid, shall, upon request of an agent appointed by the Secretary of the Treasury as aforesaid, render a written report, with invoices thereof, to said agent, in which he will specify the arms, supplies, or other munitions of war retained for use of the naval forces, as aforesaid, and also, separately, the property turned over to said agent, or which may have been sold or otherwise disposed of. And in case a sale of any such property shall be made under his authority, or under the authority of any one subject to his order, he will so state, and will describe the property so sold, and will state when and where, and by and to whom sold, and the amount received therefor, and what disposition was made of the proceeds.

And all officers of the navy of the United States will, at all times, render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to take possession of any abandoned, or captured, or seized property aforesaid, and in transporting the same, so far as can be done without manifest injury to the public service.

All expenses of transporting property herein referred to will be reported by the officers who furnish the transportation to the agent of the Treasury Department, and also, through the proper channels, to the Navy Department at Washington, in order that the expenses may be reimbursed from the proceeds of sales of such transported property.

III.

All naval officers in command of squadrons, vessels, or stations will, upon receipt of this order, revoke all existing orders throughout their respective commands conflicting or inconsistent herewith, or which permit, or prohibit, or in any manner interfere with any trade or transportation conducted under the regulations of the Secretary of the Treasury not understood as applying to any lawful maritime prize by the naval forces of the United States; and their attention is particularly directed to said regulations, prescribed March 31, 1863, and they will respectively make such orders as will insure strict observance of this order throughout their respective commands.

GIDEON WELLES,
Secretary of the Navy.

NAVY DEPARTMENT,
September 11, 1863.

The attention of all officers, sailors and marines of the Navy of the United States, is especially directed to the Revised Regulations of the Secretary of the Treasury, approved by the President, dated September 11, 1863, and superseding the Regulation of March 31, 1863; and they will in all respects observe the order of this Department, dated March 31, 1863, with regard to said Revised Regulations, as if the same had been originally promulgated with reference to them.

GIDEON WELLES,
Secretary of the Navy.